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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 7 February 1990, at 3 p.m.

Chairman: Mrs. QUISUMBING (Philippines)

later: Ms. SINEGIORGIS (Ethiopia)

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The meeting was called to order at 3.15 p.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1990/6 and 7)

THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE COLONIAL AND RACIST REGIME IN SOUTHERN AFRICA (agenda item 6) (continued) (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1)

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STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION (agenda item 16 (a)) (continued)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 16 (b)) (continued) (E/CN.4/1990/36, 37, 38 and 50; E/CN.4/1990/NGO/7 and 30; E/CN.4/Sub.2/1989/8 and Add.1)

1. Mr. RIVERA IRIAS (Observer for Guatemala) said that his delegation had taken note with concern of the various reports on the consequences of racism and racial discrimination, and had read with interest the studies concerning measures to be taken to combat those scourges, which took on a particularly odious form in South Africa.

2. The Charter of the United Nations clearly provided that one of the principles on which the United Nations was based was the development and promotion of human rights and fundamental freedoms without distinction as to race, sex, language or religion and the international community had been endeavouring to achieve that aim ever since the United Nations had been set up.

3. In Guatemala, the equality of all citizens, irrespective of sex or race, was set forth in article 41 of the Constitution, and the country was a party to the International Convention on the Elimination of All Forms of Racial Discrimination.

4. Education and training were the best ways of combating racial discrimination. And yet, despite all the activities undertaken to that end by the international community within the framework of the United Nations and its various bodies, vestiges of racism, the most abominable being apartheid, which seriously undermined human dignity, subsisted throughout the world. That was why Guatemala strongly appealed to the South African Government finally to implement United Nations and Security Council resolutions designed to eliminate the system altogether and not just to reform it.

5. Guatemala stood fully united with all those who were fighting to have apartheid abolished, and had always voted and would continue to vote for all resolutions adopted by the General Assembly in support of that cause.

6. Mr. MARKHUS (Observer for the Libyan Arab Jamahiriya), speaking on agenda item 16 (b), said that the proclamation by the General Assembly of two successive Decades specially devoted to combating racism and racial discrimination was proof of the persistence of those two scourges. The *apartheid* policy practised in South Africa had been given priority when the activities undertaken or planned during the two Decades had been considered. All States Members of the United Nations had been asked to refrain from extending further assistance of any kind to South Africa, including assistance in the military, nuclear and economic fields, and to discontinue trade relations with that country. Those measures had been largely successful.

7. It must not be forgotten, however, that discrimination came in a wide variety of forms and was practised in other parts of the world as well, particularly against indigenous populations and ethnic minorities or migrant workers, as emerged from the report by Mr. Eide (E/CN.4/Sub.2/1989/8 and Add.1). His delegation regretted, however, that Mr. Eide, who referred to a large number of philosophers, thinkers and religions in his study, said nothing about Islam, which had always advocated equality among all human beings, without any distinction of any kind, and had always spoken out against slavery and racial discrimination. It was also noteworthy that in the documents before the Commission concerning the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, no mention was made of the situation of the Palestinian people, victims of the discriminatory policy applied by the Zionist entity.

8. His delegation wished to make it clear that its country rejected all forms of racial discrimination, as was stated in the Green Book on human rights published on 12 June 1983. The Libyan Arab Jamahiriya was also a party to the Convention on the Elimination of All Forms of Racial Discrimination and was resolved to implement its provisions. It had, moreover, contributed to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

9. Mr. GUBARTALLA (Observer for Sudan) said that it could not be over-emphasized that *apartheid* could not be reformed and must be totally abolished as a blot on the honour of mankind. Ample evidence of that was provided in the report of the *Ad Hoc* Working Group of Experts on southern Africa (E/CN.4/1990/7), which described the plight of the indigenous population in South Africa. Such situations showed that the time had come to review the measures adopted to combat racial discrimination in order to make them more effective.

10. The report prepared by Mr. Khalifa (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1) showed that foreign investment in South Africa had continued in a covert form, with the result that the South African people's enjoyment of human rights were adversely affected. His delegation thanked Mr. Khalifa for his work, and considered that he should be provided with the resources he needed to help him to complete his task.

11. His delegation paid a tribute to all States and organizations which not only condemned *apartheid* but in addition condemned the co-operation with the racist régime by certain countries, foremost among which was Israel. It also thanked the Group of Three, set up under the International Convention on the

Suppression and Punishment of the Crime of Apartheid, for its report (E/CN.4/1990/35), and urged all countries that had not yet done so to become parties to the Convention, especially those which might exert an influence on the racist régime of Pretoria. It was the duty of all States to take every possible step to eliminate apartheid and support the national liberation movements. The action taken by the United Nations in that regard, with the successive proclamation of two Decades to Combat Racism and Racial Discrimination, played a crucial role in that connection. His delegation also welcomed the study carried out by Mr. Eide (E/CN.4/Sub.2/1990/8 and Add.1) on the measures already taken.

12. In conclusion, he said that the international community must not allow itself to be misled by all the attempts made to perpetuate the apartheid régime under another name. The fact was that the South African people demanded the total abolition of the system and the world at large wished to see the attainment of that noble objective. It was to be hoped that the end of the second Decade would coincide with the advent of a new State based on equality and justice in South Africa.

13. Mr. MUGOMBA (Observer for Zimbabwe) said that the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) showed clearly that the human rights violations affecting the black majority of South Africa had not ceased and that, in the circumstances, the international community was obliged to continue to apply coercive measures against the apartheid régime.

14. It was obvious that those measures, as well as the ongoing struggle being waged by the heroic people of South Africa, were what had compelled Mr. de Klerk to announce new arrangements. It would be misguided to think that his statement was an act of magnanimity, since it was difficult to give credit to a régime notorious for its untrustworthiness. In fact, the Pretoria régime was only just awakening to the harsh reality that by its denial of fundamental human rights to the majority of the South African people, it had outlawed itself internationally. It was the prisoner of its own apartheid policy and realized that it could not break out alone from that imprisonment, despite its own economic might and the support it received from other countries. That was why all the advocates of the system wished to see the release of Nelson Mandela, for paradoxically he was the only one who could now break the chains which held the Pretoria régime in bondage. The authorities in Pretoria would therefore be well advised to heed the concerns expressed by the people of South Africa in response to the measures announced by Mr. de Klerk in his statement of 2 February.

15. His delegation shared in particular the concerns expressed at the continuation of the state of emergency, which was the Pretoria régime's last opportunity to assert the power of apartheid in the face of internal opposition and international pressure. Because of the numerous parallels between the struggle of the people of Zimbabwe and that of the South African people, and having in mind the Lancaster House Constitution (1979), his delegation understood that the black South African majority rejected the idea of a modified version of apartheid under the guise of protecting "group rights", since a provision of that kind merely served to undermine the establishment of a free society based on respect for fundamental democratic rights.

16. It was a fact that the root cause of the conflict in South Africa and the sub-continent as a whole had always been apartheid, irrespective of the nature of the relations between the super-Powers. It was well known that Pretoria had sought to exploit the "cold war" in order to internationalize the conflict in South Africa on a pretext of a "communist onslaught" against Pretoria. But the cold war fiction had now evaporated, and the South African régime now found itself confronted by its real enemies, namely the people of South Africa themselves.

17. His delegation fervently hoped that all those countries that had consistently supported the struggle of the South African people would resist the temptation, in the present climate of détente between the super-Powers and in Europe, to relax their support, and that they would continue to maintain pressure upon the South African Government to force it to yield to the legitimate demands of the oppressed black majority. Such international action was absolutely necessary to resolve the conflict in southern Africa and enable the region fully to enjoy human rights in conditions of peace, stability and economic development.

18. His delegation sincerely hoped that the international community would continue to monitor diligently the situation in South Africa and assist the South African people in their liberation struggle.

19. Mr. ALDORI (Iraq) said that the changes just announced in South Africa came after a long period during which the régime in power in that country had withstood the tide of history and acted against humanity itself. It had been able to do so with the assistance of political and military support from outside. Today, however, in a world witnessing many positive changes that were putting an end to the dictatorships of individuals or parties, South Africa could no longer allow itself to maintain its uncompromising position.

20. The announcements made on 2 February by Mr. de Klerk had given cause for optimism, especially the promise made to release Nelson Mandela, the symbol of the struggle of the deprived masses of South Africa and other peoples of the world who were suffering similar oppression. That optimism had, however, been short-lived, since Nelson Mandela was still in prison and apartheid persisted. The notion that the Commission's consideration of agenda items 5, 6, 15 and 16 might have become unnecessary in the near future, and that attention should be shifted to the post-apartheid situation had been briefly entertained. Unfortunately, that was not yet the case. And yet the hoped-for changes would sooner or later be forced upon a régime of which it might be said, with the Zionist régime of Israel in mind, that it was the second-last racist régime.

21. The history of the inhuman apartheid system was a long history of human rights violations, involving executions, torture, arbitrary detention, violations of the right to education, the right of association and assembly, etc. The régime imposing that system had long sought to stifle the aspirations of the black people. The reports now before the Commission confirmed that the régime enjoyed substantial external support. Its military co-operation with Israel was increasing to the extent of including nuclear weapons. Mr. Khalifa's report (E/CN.4/Sub.2/1989/9) disclosed that there were 1,226 transnationals operating in South Africa; many were disinvesting, but kept up their trade relations.

22. The persistence of that situation and the non-implementation of the resolutions adopted by the international organizations could be attributed to the inadequacy of sanctions. That was what had prompted some States to request the implementation of Chapter VII of the Charter of the United Nations, in the belief that apartheid should be dealt with in the same manner as other crimes such as genocide.

23. Iraq expressed its solidarity with the oppressed people of South Africa and their leaders, calling for the release of Nelson Mandela and the restoration of the Azanian people's legitimate rights, the lifting of the state of emergency and the establishment of democracy for the black majority. Morever, Iraq believed that in the post-apartheid era - which, it was to be hoped, was close at hand - the Commission should assist the South African people in the exercise of their rights which had been recognized at last. It also hoped that Namibia's accession to independence would be achieved without any complications, and that Namibia would be able to exercise all its sovereign rights without hindrance, in the interests of its development.

24. Mr. MAHIGA (Observer for the United Republic of Tanzania) said that he wished to put in proper perspective the statement made on 2 February 1990 by the President of South Africa, Mr. de Klerk, which had received coverage in the international press far in excess of its substance. Firstly, it was ironical that the statement had been made to a parliament elected two months previously - on 6 December 1989 - without the black people having had the right to vote. The announcement was a step forward, but it remained for the international community to judge Mr. de Klerk's sincerity by the extent to which he engaged in a genuine dialogue with the broad-based political organizations with a view to dismantling apartheid.

25. President de Klerk had hedged the decision to release Mr. Mandela with "logistical and administrative" requirements which in fact seemed to go further than that. The Tanzanian delegation also noted that although some political prisoners detained merely for belonging to banned political organizations would be released, that same narrow criterion would keep in jail many others who had fought for their fundamental rights. In South Africa today there were 279 people on death row, 97 per cent of whom were blacks. Furthermore, although it had been announced that the Separate Amenities Act would be repealed, pillars of apartheid like the Group Areas Act and the Population Act remained intact.

26. The announced unbanning of the ANC, the PAC, the Communist Party and a number of subsidiary organizations created an atmosphere conducive to negotiations for a democratic, non-racial South Africa. However, that measure must be accompanied by a lifting of the state of emergency, the release of all political prisoners, the removal of troops from the townships, the return of exiles and their unobstructed participation in political activities.

27. By and large, the concessions made by the South African Government were not very far-reaching for the time being. Modest as they were, however, they would not have been possible without the pressure of the oppressed people of South Africa and of the international community. The United Republic of Tanzania thanked all States, the United Nations system, non-governmental organizations and individuals all over the world who had contributed

materially and morally to generating, organizing and chanelling that pressure. However, it remained necessary to intensify the arms embargo and trade and financial sanctions, as well as cultural and sports boycotts of South Africa. Without such pressure there could be no change in South Africa, particularly since elements such as the neo-fascist Afrikaner Resistance Movement and the ultra-right Conservative Party had vowed to resist even the minimum announced reforms.

28. It should also be recalled that in the front-line States, thousands of people had been killed, maimed and displaced as a result of the destabilization brought about by the apartheid régime: that policy was likely to continue. His delegation also called upon the international community to assist in the reconstruction of those States and the establishment of peace and security in the region. Only when those goals were realized could the people of the region genuinely enjoy their rights, and their Governments institutionalize those rights.

29. Mr. OMAR (Observer for the Libyan Arab Jamahiriya) said that the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) revealed the persistence of the most serious violations of human rights in South Africa, perpetrated by a régime which was indeed not human. His delegation strongly supported the recommendations of the Ad Hoc Working Group of Experts. In its latest report, the Group continued to report numerous cases of arbitrary detention, torture, execution, ill-treatment, violations of the right to education, to freedom of expression and association, etc.

30. Chapter V of the report gave particular cause for indignation, dealing as it did with the treatment of children and adolescents. In paragraph 207, it could be seen that the courts were only obliged to inform the parents or guardians of a child's arrest and court appearance if the parents or guardians resided in the same magisterial district as the court and were traceable without delay. In paragraph 228 reference was made to a statement by the representative of the International Confederation of Free Trade Unions to the effect that although only 22 children were officially reported as being imprisoned, the true figure was probably nearer 2,000. Such facts, among others described in the report, were truly alarming at a time when the Convention on the Rights of the Child had just been adopted by the United Nations.

31. The reforms announced by President de Klerk on 2 February were ambiguous, as the representative of the United Republic of Tanzania had just pointed out. It remained to be seen whether Mr. de Klerk had expressed genuine intentions or whether he was employing a tactical device. The near future would tell whether the South African Government was really ready to accept the necessary radical changes. Mr. de Klerk had announced the forthcoming release of the most long-standing political prisoner in the world, Nelson Mandela, but the Libyan Arab Jamahiriya was of the view that all political prisoners must be released. It called upon all States maintaining economic and military relations with South Africa to put an end to their assistance. It was unnecessary to reiterate the adverse consequences of such assistance as they were spelled out sufficiently clearly in the report by Mr. Khalifa, the Special Rapporteur (E/CN.4/Sub.2/1989/9), who deserved praise for his work.

32. Mr. ROBEL (World Confederation of Labour), after referring to the serious human rights violations committed in South Africa, paid a tribute to the black people of that country and to all those who were suffering, had suffered and had even lost their lives in the legitimate struggle they had waged to ensure respect for human rights. For many years the international community, within the United Nations, had been adopting numerous decisions and recommendations calling upon the Pretoria Government to renounce the *apartheid* policy, release political prisoners and introduce a new policy that guaranteed the enjoyment of rights and freedoms for all, without distinction as to race, colour or belief. Unfortunately, the uncompromising South African Government had instead, intensified its repression against, among others, workers and trade unionists fighting for their freedoms and their rights.

33. The economic sanctions had had some effect. The South African economy was affected by disinvestment and capital flight, growth was declining sharply and unemployment increasing substantially. That was compelling the South African Government to undertake certain reforms. However, there should be no delusions about what might be merely a "renewed form of *apartheid*" (amendments to the Group Areas Act, legalization of trade unions, inoperative presence of "Coloureds" and Indians in Parliament, suppression of the pass laws, opening up of beaches). The reports submitted to the Commission at its current session showed that, in fact, the black population continued to be crushed by laws adopted and applied by the whites for their sole benefit.

34. Mr. de Klerk had just stated, at the opening of the parliamentary session, that the time had come to break the vicious circle of violence and to move towards peace and reconciliation. It was an encouraging statement, but it must be remembered that in the past the partisans of racist power had always been given to unconsidered announcements. For its part, the World Confederation of Labour considered that the release of political prisoners or the legalization of political parties was not enough. *Apartheid* must be completely dismantled by repealing the Constitution and the laws that classified people by race (Population Registration Act), imposed their place of residence (Group Areas Act), assigned the best land and the areas with the richest mineral resources to whites (Land Act) and regulated *apartheid* in public places (Separate Amenities Act).

35. In particular, in the sector of employment, it was necessary to eliminate the various forms of discrimination and inequality, authorize the forming and free functioning of trade unions without racial criteria or interference, establish joint machinery to enable negotiations to be conducted on wages and benefits, and adopt laws conducive to workers' safety and health. In the social field, equal funds must be set aside for the education of blacks and whites in proportion to the size of the respective population groups, and a housing policy for blacks must be developed, putting an end to forced removals, as well as a health policy and a policy for community facilities.

36. More generally speaking, the economic, social, cultural and political life of society as a whole must be fully democratized, involving recognition of the political equality of the black population. In order to achieve that aim, the South African people deserved assistance from the international community, while sanctions must be maintained against the *apartheid* régime as long as it continued to exist.

37. In conclusion, he said that although South Africa was the only society in the world in which racism constituted the basis and justification for a whole system of laws, with all the suffering, violence and death that that entailed, racism was not confined to that country, as the writer André Brink had commented in Geneva in April 1989 when he had said that every time he went abroad - whether to the United States of America, Sweden, Australia or France - he was approached by representatives of racial minorities who told him about the restrictions to which they were subjected in those "free societies" solely because of their racial origins. Racism was a human disease, and only if that disease were recognized for what it was could it ultimately be vanquished.

38. Mr. STEEL (United Kingdom of Great Britain and Northern Ireland) said that agenda items 5 and 16 largely related to the denial of human rights in South Africa, which flowed mainly from a system that was abhorrent both in theory and in practice, namely *apartheid*. *Apartheid*, in any form and to any degree, whether it was open or covert, imposed by law or by social pressures, was indefensible, and South Africa had no supporters for its policy. The Government of the United Kingdom, in particular, had lost no opportunity to make that clear to all concerned in South Africa - both Government authorities and others - and had always sought to exert pressure upon them to dismantle the system.

39. Together with *apartheid*, there must likewise be an end to all the repressive measures and practices which the international community had condemned as also constituting a flagrant denial of human rights. Most of them were essentially the means of enforcing that evil system, but some also had another raison d'être, being the means by which an unrepresentative régime maintained itself in power. A particular case in point was the denial of a people's right to choose its own government and social system. The Government of the United Kingdom, both alone and together with its partners in the European Community, had made the most vigorous representations to the South African Government on that subject, through the channels it deemed most appropriate, and had reason to believe that the influence it had brought to bear, particularly when it had taken a less public form, had had its effect. At any rate, there were signs that the message was getting through to the Government of South Africa. In the elections which had taken place in September 1989, over 70 per cent of the white population of South Africa had voted for change. The new Government of President de Klerk had repeatedly announced its commitment to a process of change and negotiation on the future of the country. Those were not merely expressions of intention, since Mr. Sisulu and seven other important political prisoners had been released in October 1989, and several measures had been taken to relax what had been a draconian system stifling all opposition to the Government's policy.

40. Finally, the previous week, President de Klerk had announced measures opening the way to negotiations. The Government of the United Kingdom looked forward to the follow-up to the South African President's statements of intention but, whichever way one looked at it, the world had changed; current developments had great potential significance, and it would be irresponsible not to welcome them, cautiously but ungrudgingly. The measures announced would provide an opportunity to steer South Africa away from the path of violence and confrontation and on to the path of dialogue, negotiation and

peaceful accommodation. They provided the international community with an opportunity to do something to encourage and facilitate that process. His delegation therefore considered that the members of the Commission had the responsibility, when the time came to consider and formulate draft resolutions or decisions, to adopt a constructive and non-confrontational attitude. If that opportunity were missed for lack of courage or imagination or the will to break with old habits, the Commission would be falling short of its vocation and would be failing the people of South Africa.

41. His delegation therefore earnestly hoped that, given the important new elements which had changed the situation, all delegations would co-operate in drafting texts in a language that all could wholeheartedly endorse. There was, moreover, a recent and relevant precedent to build on. In December 1989, the General Assembly had held a Special Session on Apartheid and, contrary to what might have been feared, a consensus had been reached on a text to which all could finally subscribe. It was an unprecedented case in the history of the South African issue at the United Nations. If that had been done once, the Commission could do it again.

42. On agenda item 6 and the report by Mr. Khalifa (E/CN.4/Sub.2/1989/9 and Add.1) on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime of South Africa, his delegation had not changed its view, considering as it did that the report was vitiated by the incomplete and inaccurate material upon which it rested. The report therefore gave a misleading picture of the situation it purported to describe. The United Kingdom's position both on sanctions and on trade and economic links with South Africa had always been clear and unambiguous, and the United Kingdom had never sought to conceal it.

43. Mr. CUNHA ALVES (Portugal) said that his country welcomed the measures announced by President de Klerk, namely the limitation of the use of the death penalty to extreme cases, the legalization of the African National Congress and other opposition movements, the release of all political prisoners and the unconditional release of Nelson Mandela. Portugal considered that all those measures should be taken promptly and that the international community should closely monitor the overall human rights situation in southern Africa, in the hope that further measures would be taken speedily for the complete abolition of apartheid. Although that system had been vigorously condemned for decades and was contrary to the principles set forth in the Universal Declaration of Human Rights and the two international Covenants, it still existed. Portugal, which had close ties with all the peoples of Africa, had always taken a keen interest in the human rights situation in southern Africa.

44. At a time when the General Assembly had just adopted, at its previous session, the International Convention on the Rights of the Child, reaffirming the need for every child to grow up in an atmosphere of happiness, love and understanding and to receive special protection - including protection in the area of justice - the Portuguese delegation was deeply concerned at the information contained in the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7), relating to torture and inhuman treatment of children in detention in South Africa and Namibia. The Government of South Africa had denied allegations concerning the death of

several children in detention, but there were reports from reliable sources that such cases had indeed occurred. The South African authorities, taking advantage of the momentum created by the recently announced reforms, should put an end to those grave violations of human rights affecting children and, furthermore, guarantee young people the right to education and health. The rights of all, adults and children alike, must be respected, for that was the only way of creating the necessary conditions for a genuine national dialogue involving all the parties concerned. The goal of such a dialogue should be the establishment of a multiracial society, free of any kind of discrimination, in which there would no longer be any political prisoners and basic human rights would be respected.

45. After the elections which had taken place in Namibia in November 1989 under United Nations supervision, Portugal sincerely hoped that a new African State would accede to self-determination and independence in a peaceful and democratic manner, at last free from *apartheid*. In that connection, the United Nations must pursue its action by implementing Security Council resolution 435 (1978) and promoting universal respect for human rights and fundamental freedoms.

46. The Second Decade to Combat Racism and Racial Discrimination, a global effort by the international community, had enabled some progress to be made towards eliminating an evil that was not, unfortunately, confined to southern Africa. A study by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1989/8 and Add.1) drew attention to other forms of discrimination against particular groups such as aliens, migrant workers, indigenous peoples and minorities. In some cases, discriminatory measures were taken against certain groups on economic grounds. That new pattern of racism affected in particular those who did not live permanently in their own country, namely migrant workers, whose fundamental rights were denied or restricted, especially as far as education, employment, health or social security were concerned. Their situation became even more difficult when they belonged to different cultures or races.

47. His delegation looked forward to the early adoption of the draft convention on the protection of the rights of all migrant workers and their families as an effective legal basis for the protection of such a large number of individuals all over the world. Although in the draft text the economic and social rights of migrant workers were somewhat limited compared to those granted to nationals, it did provide that all migrant workers in a regular situation were to be entitled to enjoy civil rights in the same way as the citizens of the host country.

48. In order to put an end rapidly to the most serious human rights violations and racial discrimination, it would first be necessary for all States to ratify the relevant international instruments, and for all manifestations of racial discrimination to be condemned by national legislation. All must be able to enjoy life and work in conditions of equality. Only with the participation of each member of the human family would it be possible to promote social progress and better standards of living, in an atmosphere of greater freedom conducive to the construction of genuine democracy.

49. Ms. Sinegiorgis (Ethiopia) took the Chair.

50. Mr. ZHANG Yishan (China) recalled that the Charter of the United Nations and the Universal Declaration of Human Rights made it clear that all human beings were equal, regardless of race, colour or ethnic origin, and that a series of conventions and declarations had been worked out over the past decades in order to eradicate racism and racial discrimination. Regrettably, contemporary reality showed that that aim had not yet been attained. It was therefore necessary for the international community to carry on its struggle against racism and racial discrimination until those despicable phenomena were completely wiped out. The significance of relevant United Nations activities, incorporated into the Programme of Action for the Decade to Combat Racism and Racial Discrimination, should be stressed.

51. With reference to the recent positive developments in southern Africa, his delegation welcomed the successful elections in Namibia, a country whose independence, to be proclaimed on 21 March 1990, would mark the end of South Africa's 74-year old colonial rule. The Chinese people had always firmly supported the Namibian peoples in their struggle for independence. It should not be forgotten, however, that it had only been under the pressure of circumstances and as the result of the efforts of the international community that the South African authorities had applied Security Council resolution 435 (1978). The international community must therefore remain wary of any attempted interference or sabotage by South Africa in the process of Namibian independence.

52. With the settlement of the Namibian question in sight, the world had been taking a greater interest in the fate of the 20 million black people living in South Africa under the apartheid régime. There, too, as a result of the pressure brought to bear upon them, the South African authorities had recently adopted certain reforms and released a few political activists, had legalized the ANC and other political parties and announced the forthcoming unconditional release of Nelson Mandela, jailed since 1964. The racist South African régime had not, however, renounced apartheid or effected any fundamental change in its policy of racial discrimination, and the majority of the black population still lived under the "state of emergency".

53. The international community must not, therefore, relax its efforts, but, instead, should redouble its assistance to the national liberation movements and the front-line African States that were fighting racism. Practical and effective measures should continue to be taken to exert pressure on the racist régime of South Africa so as to compel it to abolish completely its racist policy and the apartheid régime.

54. It was surprising to see that some of the countries which were the first to advocate human rights protection took a different attitude towards South Africa and even sought to shield the authorities of that country. In order to safeguard human rights and fundamental freedoms in that part of the world, apartheid must first be totally eradicated. The Chinese delegation appealed to those countries and firms that were in a position to exert political, economic and military influence over the South African régime to bear in mind the overall interests of the international community and compel the South African authorities to abandon their system of racial segregation.

The international community must step up its campaign against racism and, in particular, urge those countries that had not yet ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid to do so at an early date.

55. The Chinese Government and people had always championed the just struggle of the South African people against the racist régime and condemned the abominable human rights violations committed by South Africa. They now urged the South African authorities to awaken to the fact that racism was doomed and to fall in step with history by completely abolishing apartheid. It was also necessary for the international community to co-ordinate its endeavours to a greater extent in order to maintain pressure on the South African régime and force it to change its policy. The Chinese delegation, for its part, was ready to take all necessary steps to ensure that the South African people's struggle for recognition of its fundamental rights was crowned with success.

56. Mr. STIGLICH BERNINZON (Peru) said, first, that, in general terms, his country's Constitution was possibly one of the most explicit of all Constitutions with regard to the protection of the rights provided in United Nations conventions. In particular, its preamble stated that all individuals, who were equal in dignity, had rights of universal validity, preceding and superior to those of the State. Peru was a party to the main international instruments aimed at eliminating racial discrimination, affirming economic, social, cultural, civil and political rights, punishing the crime of genocide, recognizing refugee status and the political rights of women, and punishing the crime of apartheid and apartheid in sports. The Peruvian Constitution of 28 July 1979 stipulated that international treaties signed by Peru formed part of national law and prevailed over national law should their provisions conflict. Article 105 of the Constitution provided, moreover, that principles relative to human rights had constitutional priority. Finally, human rights were systematically taught throughout the country, in pursuance of article 22 of the Constitution.

57. The International Convention on the Suppression and Punishment of the Crime of Apartheid was therefore incorporated into Peruvian national legislation, and Peru applied all its provisions. Peruvian law prohibited any reference to individuals' race in official documents, and the new 1982 education act prohibited any form of discrimination for any purpose whatsoever. Peru had also ratified the International Convention against Apartheid in Sports, and he referred in particular to the provisions of that Convention prohibiting the granting of any financial or other assistance to sports bodies or teams participating in sporting activities in countries practising apartheid.

58. Peru also fully applied the provisions of article III of the International Convention on the Suppression and Punishment of the Crime of Apartheid, which provided that international criminal responsibility should apply to those committing or encouraging the crime of apartheid or co-operating directly in it. He commented particularly on the undertaking by States Parties under article XI of the Convention to grant extradition in accordance with their legislation and with the treaties in force. With regard to the cases listed in article II of the Convention, it must be pointed out that, in accordance with article 2, paragraph 2 of the Peruvian Constitution,

all persons were entitled to equality before the law and that, accordingly, penal measures applied equally to Peruvians and aliens. Furthermore, article 108 of the Constitution provided that the executive branch alone was empowered to grant extradition, following a report by the Supreme Court. Political crimes or actions related to them could not be a basis for extradition. Acts of terrorism or genocide were subject to extradition. Finally, extradition was denied if there was sufficient evidence to show that extradition had been requested for the purpose of persecuting or punishing an individual for reasons of race, religion, nationality or opinion. The Peruvian judicial system moreover provided for recourse not only to local judicial authorities, but to the national courts or bodies set up on the basis of international treaties to which Peru was a party, as provided in article 305 of the Constitution.

59. With regard to the legislative, judicial or administrative measures adopted to give effect to the obligation to comply, in accordance with the Charter of the United Nations, with Security Council decisions to prevent, suppress and punish the crime of *apartheid*, and to ensure co-operation in the implementation of measures adopted by other competent United Nations bodies, Peru was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of *Apartheid*.

60. Similarly, article 88 of the Peruvian Constitution provided: "... The State rejects every form of imperialism, colonialism, neo-colonialism and racial discrimination. It is united with the oppressed peoples of the world." Peru had also supported all measures to combat *apartheid*, within the Commission on Human Rights and the Third Committee of the General Assembly and in all other United Nations forums.

61. Peru was a member of the Special Committee against *Apartheid*, within which it chaired the working group on political prisoners and, together with 23 other States, had participated as a member of the Special Committee in the drafting of the International Convention against *Apartheid* in Sports. It was also a member of the Action for Resisting Invasion, Colonialism and *Apartheid* Fund set up in 1986 within the framework of the OAU to provide technical and economic support to the front-line African States. Members of the Fund Committee had held their third meeting in Lima in August 1988. Peru had also chaired the World Conference on Sanctions against Racist South Africa - organized by the United Nations in co-operation with the Organization of African Unity - which had been held in Paris in June 1986.

62. Peru was opposed to the bantustanization policy, which in practice amounted to a covert refusal to provide a just solution to the problem of southern Africa. It welcomed the organization of free elections in Namibia, however, and would continue to stand beside the Namibian people until it was able to join the international community. A Peruvian army contingent had been incorporated into the United Nations forces responsible for supervising the withdrawal of foreign troops from Namibia.

63. In compliance with its obligations, Peru maintained no diplomatic or consular relations with South Africa. It hoped that Nelson Mandela would be released without delay and that the *apartheid* régime would soon be no more than a sad memory.

64. Mr. MALISHAUSKAS (Union of Soviet Socialist Republics) said that the positive changes that had recently taken place in the world and the radical improvement of the international situation had a profound impact on the processes now taking place in southern Africa. Following the elections held in Namibia, a new sovereign and independent State would soon take up its place in the international community. Efforts were also being stepped up to seek a political settlement of conflictual situations in that part of the world. The necessary pre-conditions seemed to be at hand for developing new methods of solving the problem arising in South Africa itself. In that context, the need to dismantle the *apartheid* régime without delay was becoming increasingly obvious.

65. The Soviet Union had always shared the idea that *apartheid* was the very negation of human rights, since it rejected the equality of human beings on racial, national or ethnic grounds. That was also a factor of destabilization, not only in the region of southern Africa, but also in international relations. As long as there was a State which, like South Africa, denied human dignity, there would be no security for mankind. Fortunately the Pretoria authorities seemed to be beginning to understand that there was no future for *apartheid*.

66. His country would monitor closely the manner in which the South African Government's promises were kept. It recognized, however, that, as of now, some measures should be seen in a positive light. Especially welcome was the promise made to release Nelson Mandela unconditionally and to legalize the activities of certain political organizations. The latest measures adopted to abolish certain laws should contribute to the creation of a climate conducive to the opening of a political dialogue.

67. The Soviet Union continued to believe that the basic problem of *apartheid* could not be resolved by half measures, but only by the total and definitive abolition of the system, whence the need to step up international efforts to that end. It was already gratifying to note that the international community seemed to be increasingly intent on attaining that aim as soon as possible, and that it was now conceivable that agreement could be reached on the manner of doing so.

68. The Special Session held by the General Assembly in December 1989 would go down in history. The Declaration adopted on that occasion had provided an opportunity for the parties to concentrate on investigating in depth the ways and means of settling the conflict once and for all. The necessary pre-conditions for the opening of an internal dialogue were stipulated in the Declaration, which outlined the structure of a democratic State to be established in South Africa on the basis of a constitutional order which should itself be grounded in the Charter of the United Nations and the Universal Declaration of Human Rights. The decisions unanimously adopted at the Special Session should stimulate the active quest for consensus solutions.

69. The growing role of the United Nations as a focus of peaceful action by the international community had been confirmed; recognition was due, in particular, to the important part played by international instruments like the International Convention on the Suppression and Punishment of the Crime of *Apartheid* and the International Convention on the Elimination of All Forms of Racial Discrimination, whose universal character should now enable those

processes to be speeded up and any back-sliding avoided. Also to be commended were the Committee on the Elimination of Racial Discrimination and the Group of Three, not forgetting the activities of the Special Rapporteur, who had drawn up the list of banks and transnational corporations co-operating with the South African régime and the work of the Ad Hoc Working Group of Experts on southern Africa.

70. Implementation of the objectives of the General Assembly's Declaration should coincide with that of the aims of the Second Decade to Combat Racism and Racial Discrimination. The Soviet Union appreciated the efforts made to attain the other objectives of the Decade, particularly the activities of Mr. Martenson, Co-ordinator of the Programme of Action for the Decade.

71. The international community was to be commended for the measures taken to step up the educational role of the media with regard to the unacceptable nature of any form of discrimination. The world consultations held in October 1988 confirmed the importance of that role. The significant action taken by NGOs combating racism and racial discrimination was also worthy of note.

72. Many countries were currently faced with the need to solve problems of discrimination affecting the coexistence of peoples of different races and nationalities. It was up to Governments to take the necessary measures in order to eliminate all discrimination within their own countries. Over-simplification must be avoided and it must be recognized that every country had its own situation to face. The Soviet Union had recently been confronted with problems concerning the nationalities which were due both to objective historical reasons and to fresh complications arising out of the processes now under way in the country. The radical renewal of national policy and the harmonization of relations among nations were an integral part of the concept of perestroika; those issues would, moreover, be central to the activities of the new Supreme Soviet. That meant, bearing in mind the country's own experience and world relations, developing new governmental machinery to ensure the necessary conditions for the free development of all the peoples of the Soviet Union and a strengthening of international agreement as well as co-operation based on the principle of the coexistence of peoples on an equal footing, whatever their nationality or race.

73. The international community must do its utmost to eliminate racism, racial discrimination and apartheid. That was essential if the world was to live at last in security and harmony.

74. Mr. SHAIKHO (Observer for Bahrain) said that for decades the white minority in South Africa had been trying to dehumanize the black majority and generally speaking the non-European segments of the South African population by instilling pessimistic feelings of helplessness in their minds and souls. However, the oppressed majority and the international community at large were determined not to yield to the plans and policy of racist South Africa.

75. Apartheid must be abolished and the inalienable rights of the oppressed majority, especially its right to self-determination, must be restored. The Pretoria régime, like that of Israel, must be awakened and directed towards reality and respect for international human values.

76. Now that a few positive reforms were under way, the international community must maintain and even increase its pressure on the Pretoria régime until the abhorrent system of apartheid was abolished and the inalienable rights of the oppressed majority were recognized and effectively exercised. Relaxing such pressure might slow down or even encourage a reversal of the situation. The international community must have the courage to act collectively. The peoples of the world were convinced that it could and must do so. That was what they yearned for as the dawn of freedom was finally in sight.

77. Mr. MOUKHTAR (Organization of African Unity) thanked Mr. Balanda and Mr. Khalifa for the excellent work they had done on their respective reports (E/CN.4/Sub.2/1989/9 and E/CN.4/1990/7), paid a tribute to the non-governmental organizations for the part they were playing in the struggle against apartheid and extended a welcome, among those present, to the freedom fighters of the ANC and PAC and those of Palestine, whose sacrifices now made it possible to glimpse the end of an arduous road.

78. He was gratified that the Government of Pretoria had been compelled, by the combined impact of the internal struggle and international sanctions, to announce a series of measures that would create a favourable climate for the opening of a genuine dialogue between the black majority and the white minority of South Africa with a view to eradicating apartheid and establishing a truly democratic régime, as the OAU had requested, in the Lusaka Manifesto and then in the Harare Declaration.

79. The OAU considered, however, that it would be premature to talk of victory since the essential issues remained to be resolved. It was necessary to step up pressure of all kinds, both internal and external, on the minority South African régime, and thus compel it to release unconditionally all political prisoners and refrain from imposing any restrictions upon them, to lift all bans and restrictions on organizations and individuals, withdraw all troops from the townships, lift the state of emergency and repeal all laws restricting political activities, and put an end to all political trials and political executions. Only when all of those requirements, set out in the Harare Declaration, had been met, could a genuine dialogue be established, as in Zimbabwe in the past and in Namibia today.

80. He paid a tribute to the Palestinian people's struggle for its right to self-determination and the creation of a State, and welcomed Afro-Arab solidarity in the face of the Tel-Aviv-Pretoria axis. He called upon the international community to hasten the rendez-vous of the South African people and the people of Palestine with peace and justice.

81. Mr. KOJO AMOO-GOTTFRIED (Ghana) said that, notwithstanding all protests, South Africa had continued to defy the international community both by intensifying its apartheid policies, as was attested by the report of the Ad Hoc Working Group of Experts and that of Mr. Eide on the achievements and obstacles encountered during the Decades to Combat Racism and Racial Discrimination, and by threatening international peace and security, as could be seen from the report on the attempts made by South Africa to destabilize the front-line countries. It was, therefore, the responsibility of the international community to contribute to the eradication of apartheid in all its forms to facilitate the establishment of a democratic and non-racial society in South Africa.

82. It emerged from the report of the Group of Three on the implementation of the International Convention on the Suppression and Punishment of the Crime of *Apartheid* that some States had instituted the requisite measures to sever all links with the racist régime of South Africa. No doubt others would follow that example, and the States of eastern Europe would not establish any diplomatic or economic links with that régime. The international community must more than ever bring pressure to bear on South Africa by imposing comprehensive and mandatory sanctions on the most vulnerable sectors of its economy, the only effective - despite Pretoria's claims to the contrary - and peaceful means of eradicating *apartheid*. The régime could thus be compelled to enter into genuine negotiations.

83. In the past few years, an extensive "disinformation" campaign had been launched to persuade the international community that South Africa was changing. That was not the case, however, as the black population exposed every day to *apartheid* was well aware. For that reason, the statements made recently by President De Klerk should be greeted with extreme caution, even if they were a first step towards the creation of an atmosphere conducive to the opening of a direct dialogue between the Government and the true representatives of the majority of the people of South Africa. By adopting the Declaration on *Apartheid* and its Destructive Consequences in southern Africa, at its sixteenth Special Session, the United Nations General Assembly had increased the likelihood that such a dialogue would be established.

84. His delegation, the international community and the Commission could not really take Mr. De Klerk seriously, however, until Pretoria had released unconditionally all political prisoners, including Nelson Mandela, completely lifted the state of emergency, repealed all legislation designed to restrict political activities and totally dismantled *apartheid*.

85. The example of Namibia, whose people had long been subjected to *apartheid*, showed that peaceful transition was possible. The South African people could draw on the Freedom Charter of South Africa, adopted by a broad section of the South Africa's peoples, in embarking upon that course. All would benefit from it, since, as Kwame Nkrumah, the first president of Ghana, had said, "The emancipation of the oppressed part of the world is the emancipation of man".

The meeting rose at 6 p.m.

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Forty-sixth session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 8 February 1990, at 10 a.m.

Chairman: Mrs. QUISUMBING (Philippines)

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The meeting was called to order at 10.30 a.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE *AD HOC* WORKING GROUP OF EXPERTS (agenda item 5) (*continued*) (E/CN.4/1990/6 and 7)

THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE COLONIAL AND RACIST REGIME IN SOUTHERN AFRICA (agenda item 6) (*continued*) (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1)

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STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON *APARTHEID*, RACISM AND RACIAL DISCRIMINATION (agenda item 16 (a)) (*continued*)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 16 (b)) (*continued*) (E/CN.4/1990/36, 37, 38 and 50; E/CN.4/1990/NGO/7 and 30; E/CN.4/Sub.2/1989/8 and Add.1)

1. *Mr. MARKIDES* (Cyprus) said that, since the Commission's forty-fifth session, international political developments had confirmed the hopes for a new era in which human rights would play the important role of forming a sound basis for society and promoting friendly relations among nations. Despite the dramatic democratization progress and the active search for a settlement of regional conflicts, however, the abhorrent system of *apartheid* had yet to be abolished. His Government was seriously concerned at the continued repression in South Africa and the systematic violation of the human rights of the black population there. Black leaders were still incarcerated or in exile, repressive legislation remained in force, the state of emergency had still not been repealed, and the policy of Bantustanization made a mockery of the right to self-determination.

2. The recent announcement of reforms had given the impression that a real dialogue between the oppressed majority and the ruling minority might be possible, but such measures were clearly too little and too late and would not lead to the elimination of *apartheid*. On the contrary, they were an attempt to give a new lease on life to a dying system.

3. If the South African régime really wished to abolish *apartheid* peacefully, it must remove the military from the African townships, respect freedom of assembly, speech and movement, suspend the practice of detention without trial and release Nelson Mandela and the other political prisoners forthwith. The repeal of the ban on the African National Congress (ANC) and the Pan-Africanist Congress of Azania (PAC) and the authorization of normal political activity had yet to be put to the test.

4. If the international community took effective action, the peaceful and complete elimination of *apartheid* and the transformation of South Africa into a non-racial, democratic and unified country was within reach. His delegation

reiterated its unequivocal condemnation of apartheid and once again pledged its unstinting support for the noble cause of the people of South Africa in its struggle for freedom, justice, and human rights. To achieve that goal, existing sanctions and pressures must be further strengthened.

5. His Government strongly condemned South Africa's campaign of destabilization against its neighbours, which had resulted in untold misery and destruction, and commended the Front-Line States for continuing to support the struggle for the liberation of southern Africa and the fight against apartheid.

6. The good news concerning Namibia constituted an island of hope in southern Africa. Cyprus had been steadfast in its support of the heroic people of Namibia in their struggle to put an end to the illegal occupation of their country, and his delegation hoped that an independent Namibia would realize its economic, social, cultural and political potential and make a positive contribution to developments in southern Africa. It looked forward to Namibia's full integration into the international community as a free and independent State.

7. There was no alternative to stepping up international efforts to ensure that the Organization's resolutions, decisions and measures were effectively implemented. The Commission had an important role to play in that struggle.

8. Mr. BLACKWELL (United States of America) said that the apartheid system in South Africa, a persistent concern of the Commission, was an open assault on article 2 of the Universal Declaration of Human Rights. Any political system which guaranteed rights to the few while denying them to the many was repugnant to the principles for which the Commission stood. To base such discrimination on race was doubly repugnant. His Government and the people of the United States were united with the international community in its total rejection of apartheid.

9. To build democracy and freedom in South Africa, apartheid must be fully dismantled. The legal system in South Africa consistently and repeatedly contradicted the Universal Declaration, discriminating against blacks in all aspects of political life, as well in housing, employment, health care and education and perpetuating an enormous income disparity between blacks and whites.

10. Fortunately, for the first time since the foundation of the United Nations, the beginning of the end of apartheid might be in sight. The Government of South Africa had come to recognize that change was inevitable. President de Klerk's forthright statement on 2 February 1990 was the latest of a number of constructive steps that had contributed to the development of a climate more conducive to negotiations and had brought the country to what might be the dawn of a new era of peaceful change. The efforts being made by South Africans, both black and white, to further that process must be encouraged.

11. Over the past year, President de Klerk had: allowed political demonstrations to take place despite the emergency restrictions; begun meeting opposition leaders, including Nelson Mandela and such influential church leaders as Archbishop Tutu and the Reverend Mr. Boesak; released several leading opposition figures from prison; announced plans to eliminate the

National Security Management System; and undertaken a series of diplomatic initiatives with neighbouring countries aimed at easing the tensions in the region. The independence process under the auspices of the United Nations was well advanced in Namibia, with the support and compliance of the Government of South Africa, while President de Klerk's courageous speech before the South African Parliament on 2 February 1990 had potentially opened the door to even greater progress towards a negotiated and peaceful settlement in South Africa itself and the dismantling of the evil apartheid system.

12. The United States welcomed the South African Government's expressed willingness to begin power-sharing talks with representative leaders of the black majority. The steps announced by President de Klerk in his speech helped to clear the way for negotiations to begin and activate an irreversible forward motion. His Government called upon all South African parties, including those whose prohibition had been lifted by President de Klerk, to seize the opportunity to structure a framework for negotiations and begin in earnest the process of a peaceful transition to a non-racial democratic South Africa.

13. His delegation welcomed President de Klerk's recognition of the role to be played in that process by Nelson Mandela and looked forward to his early release. A complete lifting of the state of emergency would be an important link to meaningful negotiations, and his Government welcomed the abolition of most Media Emergency Regulations and hoped that all remaining restrictions would be removed soon. All those measures had been called for in the consensus Declaration adopted by the General Assembly at its sixteenth special session in December 1989 and by the African National Congress (ANC) at its recent meeting in Lusaka; it was imperative to maintain and not to break the consensus that the international community had reached on South Africa.

14. His Government would continue to support the constructive role that the United Nations played in the area. It had broadened and deepened its dialogue with black South Africans, both inside and outside their country; it would continue to denounce apartheid and identify with the aspirations of black South Africans; it was committed to an active expansion of its assistance programmes designed to strengthen multi-racial resistance to apartheid, to build black bargaining power and mobilization and to help blacks prepare for leadership in a post-apartheid, non-racial democracy. The foundations of a modern, non-racial, democratic state in South Africa would require broad action to improve the human resources and leadership opportunities of the majority population.

15. His Government was committed to promoting dialogue leading to negotiations on a post-apartheid South Africa based on universal suffrage. In its relations with South Africa, it had long used diplomatic and other measures to encourage change in South Africa's internal policies.

16. Great internal and external pressure alike was convincing the South African Government that it must accept fundamental change. United States laws imposed some of the world's most severe restrictions on trade with South Africa, and his Government was fully committed to the continued enforcement of such legislation until evidence of irrevocable change could be assessed. At that point in time, however, total isolation of South Africa would be counter-productive. Momentum in favour of a negotiated settlement was picking up speed, and it was necessary to encourage that process.

17. The time had, perhaps, come for the Commission to turn a new page in the way it addressed the situation in South Africa. The General Assembly's consensus Declaration on Apartheid and its Destructive Consequences in Southern Africa and the Declaration of the Ad Hoc Committee of the Organization of African Unity on Southern Africa on the Question of South Africa, of August 1989, should act as guides to the Commission in its deliberations. The General Assembly had called for a process of peaceful negotiations leading to a new constitutional order determined by the people of South Africa and based on the Charter of the United Nations and the Universal Declaration of Human Rights. His Government strongly supported that Declaration and urged the Commission to do everything in its power to encourage all the people of South Africa to join in the negotiations.

18. In 1989, the Commission had adopted seven resolutions relating to apartheid and the problems in southern Africa, but only one of them had been adopted by consensus. The consensus Declaration by the General Assembly indicated that the areas of agreement on an approach to a peaceful settlement in South Africa were certainly much broader than that and were widening daily. The time was ripe for the Commission to send a strong, unambiguous and unanimous signal to the South African régime that the continued existence of apartheid was unacceptable to the international community.

19. The United States was heartened by South Africa's expressed shift in policy and would encourage further progress towards total elimination of apartheid and the establishment by the people of South Africa of a united, non-racial and democratic State. But the goal was still far from being met and the two pillars of apartheid, the Group Areas Act and the Population Registration Act, still remained in force.

20. Mr. SEZAKI (Japan), having praised the role of the Commission in mobilizing world opinion and co-ordinating actions aimed at abolishing apartheid, a system that ignored the basic values of humanity and flagrantly violated the spirit of the United Nations Charter, said that the world was currently witnessing massive waves of political change, and southern Africa was not exempt. Under the supervision of the United Nations, Namibia had set out towards a long-awaited independence by a free and fair election in November 1989. Japan had been closely involved in the process. In addition to its co-operation with the United Nations Transition Assistance Group (UNTAG), his Government intended to explore ways of providing an independent Namibia with economic assistance to meet its development needs.

21. His Government was heartened that political prisoners had been released in South Africa, that anti-apartheid gatherings were tolerated and that the abrogation of the Separate Amenities Act had been announced. It welcomed the new measures announced by President de Klerk on 2 February 1990: the release of Nelson Mandela and other political prisoners, the repeal of the ban on the African National Congress (ANC), the Pan-Africanist Congress of Azania (PAC) and other anti-apartheid organizations and the substantial relaxing of the state of emergency. Those measures constituted important prerequisites for a dialogue between the Government of South Africa and black leaders.

22. His Government had long been urging the Pretoria Government to take those steps. It hoped that all the parties concerned would take further steps towards negotiating a peaceful settlement of the problem. Despite the recent

positive initiatives by the South African Government, however, Nelson Mandela had still not been released, and the state of emergency had yet to be lifted completely. Further efforts were thus called for.

23. His Government would continue to aid the people of South Africa, who were apartheid's victims. It had been extending its co-operation with the Organization's southern African funds, which assisted the oppressed peoples of South Africa and Namibia. It had been increasing its support of the Kagiso Trust, a South African non-governmental body to which Japan had been contributing since 1987. It had also been expanding its economic aid to the nine member States of the Southern African Development Co-ordination Conference (SADCC), from $120 million in 1986 to $270 million in 1989.

24. As part of its efforts to promote a political dialogue with southern African countries and peaceful change in the region, his Government had invited President Mugabe of Zimbabwe to pay an official visit to Japan, during which there had been an exchange of views on the general situation in southern Africa and on South Africa in particular. President Mwinyi of Tanzania had also paid an official visit to Japan in December 1989.

25. The Second Decade to Combat Racism and Racial Discrimination had played a symbolic role in the effort to eradicate all forms of racial discrimination. His Government had contributed since 1986 to the realization of the Decade's goals through the Trust Fund for the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and would continue to do so in 1990.

26. In addition to the Government, the Japanese business community was collecting contributions to assist the victims of discrimination in South Africa, while members of the Diet, transcending party lines, had formed the Parliamentarians Anti-Apartheid League. Those actions demonstrated the increasing awareness of, and opposition to, apartheid throughout the entire Japanese nation. Putting an end to apartheid, in unison with the rest of the international community, would remain one of its highest priorities.

27. Mr. ROA KOURI (Cuba) said that, although the "reforms" proposed by the leader of the Pretoria racist régime had prompted a rush in some quarters to pronounce apartheid dead, that odious system was still in place. Only the struggle of the black South African people and its democratic organizations, had made it possible for Mr. de Klerk, to talk the language of political compromise though he still did not admit that apartheid had to be utterly eradicated in favour of a multiracial government elected according to the principle of "one man one vote". The price in lives, freedom and possessions paid by the black South African people during its struggle for freedom over the past decade, showed how apartheid, like the nazism on which it was modelled was a conscious and deliberate dehumanization of man by man. Cuba declared its solidarity with the South African people and its heroic national liberation movement, to which it continued to give all the help it could.

28. For the full enjoyment by the South African people of its rights, Mr. de Klerk's announced reforms were not enough. The struggle was not simply for power-sharing but for government by the majority; not for desegregated beaches, schools, suburbs and workplaces but for equal access to education, health, housing, natural wealth and means of production; not for amended legislation, removal of restrictions and liberation of some prisoners but a dismantling of the legal apparatus of apartheid, the legalizing of all

organizations and the freeing of all political detainees. In that connection, the world demanded the immediate release of Nelson Mandela, the symbol of the South African people's heroic struggle.

29. The change of attitude by the ruling class in South Africa had been brought about not by conscience or by a sudden impulse towards democracy but by the military defeat of Cuito Cuanavale which had brought the racist régime to the conference table in Namibia, and by the people's struggle and the sanctions imposed by the world community. A spokesman for the African National Congress (ANC) had said recently that, while the ANC had always sought a negotiated solution, it reaffirmed that it was the duty of oppressed peoples to continue the struggle, including the use of armed force, until their freedom had been obtained.

30. Cuba, which had gained its true independence in 1959 by armed struggle, and remained prepared to defend it against any aggressor, endorsed the ANC stance; Cubans supported their African brothers' demand that comprehensive, mandatory sanctions should be applied, pursuant to the Charter, against the Pretoria régime until the South African majority population's unanimous call had been met.

31. Those who continued to provide political, military, economic and other forms of assistance to the racists, and those who sought to reduce their isolation, deserved to be deemed accomplices of apartheid. It was an open secret that the capitalist transnational corporations shared in the exploitation of the South African people and helped to prop up the racist régime. Some of them had closed their South African branches - though continuing to profit in other ways - but they had promptly been replaced by others based in South Korea, Taiwan and Singapore. All of them should be internationally boycotted.

32. It was the last time that the Commission would be considering violations of the Namibian people's rights by the racist occupiers. That worthy nation would soon be seated in the United Nations as an independent, sovereign State. The sacrifices made by its best sons, side by side with Angolan and Cuban combatants, had made possible the Tripartite Agreements, aimed at guaranteeing Angola's sovereignty, independence and territorial integrity, peace in south-western Africa and the application of Security Council resolution 435 (1978) and the United Nations plan for Namibian independence.

33. Those agreements demonstrated that, given political will and good faith, States of very different political persuasions could arrive at sound, lasting and beneficial conclusions. Cuba looked forward to Namibia's independence, and hoped that the other parties would fulfil their undertakings and refrain from any interference in Angola's internal affairs. The peoples of southern Africa had the right to peace, co-operation and good-neighbourliness; only the eradication of apartheid and strict respect for sovereignty and independence would make that possible.

34. It had recently become fashionable to talk about democracy, what Abraham Lincoln had defined as "government of the people, by the people, for the people". It was paradoxical, therefore, that in Lincoln's own country the black, Hispanic and indigenous populations were more and more discriminated against, as could be seen not only from the ghettos in the cities and concentration camps called "reservations" to which they were confined but also

from the fact that they constituted the majority of convicts, illiterates, unemployed and homeless. They were at the lowest level of the social pyramid and the most exposed to all forms of vice and crime. A spokesman for them, addressing the Commission the previous day, had related, with dramatic examples, the alarming resurgence of racism in his country.

35. That situation was merely a domestic reflection of the United States arrogant and interventionist policy towards the third world - one aspect of a world view held by certain leaders who sought to avoid applying sanctions against their "strategic allies" in Pretoria.

36. He was, however, optimistic. *Apartheid*, colonialism and discrimination in all forms would disappear from the face of the earth. Although the world might still be in the prehistory of mankind, as Karl Marx had put it, that would come about sooner rather than later.

37. *Mr. LOS ARCOS* (Spain) said that the question of human rights in South Africa and, in particular, the odious practice of *apartheid* remained a matter for concern, although the South African President's recently announced promises raised hopes for an end to the régime's systematic violence of human rights.

38. In its report (E/CN.4/1990/7), the *Ad Hoc* Working Group of Experts had again catalogued the violations of the most basic rights. The fact that the number of executions in State prisons had diminished could hardly be regarded as a positive advance. The execution of Mr. Mangena Jeffrey Boesman, despite a General Assembly appeal for commutation of the sentence, showed utter insensibility on the part of the Pretoria authorities.

39. Those violations stemmed from the policy of perpetuating the racist régime and disdaining calls by South Africa's majority population and the world community to dismantle it. His delegation reiterated its rejection and condemnation of that policy, which was an affront to the Universal Declaration, the International Covenants and the International Convention on the Elimination of All Forms of Racial Discrimination. Spain, a party to those instruments, would spare no effort in seeking their observance. In that connection, it was vital that Governments should collaborate with the monitoring machinery. It was urgent, in particular, that the precarious financial situation of the Committee on the Elimination of Racial Discrimination be remedied.

40. The positive steps recently announced by the President of South Africa would help to create the requisite climate of trust for political negotiations to bring about a peaceful transition and the final overthrow of the *apartheid* system. The announcements should be regarded, for the moment, as a statement of intent which, it was to be hoped, would be translated into practical measures. It was likewise important to legalize political anti-*apartheid* organizations and immediately release all political prisoners.

41. In particular, it was hoped that the release of Mr. Nelson Mandela, for which his Government had repeatedly called, would not be deferred again. At the trial preceding his imprisonment 27 years previously, Nelson Mandela had declared that he had fought against domination by whites and domination by blacks and that he upheld the ideal of a free, democratic society - an ideal

which he hoped to live to see come to pass but for which he was prepared, if necessary, to die. Liberty for the man who had spoken those words signified freedom for the entire South African people.

42. Mrs. SARDENBERG ZELNER GONÇALVES (Brazil) said that, although 1989 would probably be universally recognized as an epoch-making year, the events which had already occurred in 1990 were up to its standard. Her delegation welcomed the steps recently announced by the South African Government as a positive sign, however belated, and hoped not only that Mr. Nelson Mandela's release would be immediate but that the changes might create a climate conducive to negotiations as part of an irreversible process towards the total dismantling of the *apartheid* system. Brazil had always unconditionally rejected all forms of racial discrimination and was committed to the South African people's struggle, having spared no effort in supporting the world community's initiatives towards the eradication of the unjustifiable *apartheid* régime.

43. Her delegation had read with particular interest part two of the interim report of the *Ad Hoc* Working Group of Experts (E/CN.4/1990/7), and supported the conclusions and recommendations contained in paragraphs 279-281. Brazil already had an effective diplomatic presence in Namibia, and reiterated its firm support for continued United Nations efforts, to implement its plan for Namibian independence pursuant to Security Council resolution 435 (1978). On behalf of her Government, she conveyed a message of hope for peace, democracy and prosperity to the leaders and people of the future independent Namibia.

44. Brazil had always been in the forefront of the fight against racism and racial discrimination. Its history as a multiracial society made it keenly sensitive to the importance of preventing and punishing all possible forms, old and new, of racial intolerance. In a world of growing contacts between peoples and cultures, including an escalation of migratory flows in all directions, it seemed that tension would continue to increase between the promotion and protection of human rights and strong demands for the adoption, in some countries, of restrictive immigration policies.

45. Her delegation had participated with particular interest in the International Seminar on Cultural Dialogue Between the Countries of Origin and the Host Countries of Migrant Workers, held at Athens in September 1989, and supported the conclusions and recommendations contained in paragaraphs 142-183 of the report (E/CN.4/1990/50). Her Government favoured a balanced approach to the question through the active co-operation of all parties involved. The issue of migrant workers' rights was one of the most disturbing examples of emergent prejudice and racial intolerance.

46. Her delegation reiterated its support for the Second Decade to Combat Racism and Racial Discrimination. It welcomed the adoption by the General Assembly of resolution 44/52, particularly its operative paragraphs 15 and 16, and emphasized that, in executing the plan of activities, the highest priority should be accorded to measures to combat *apartheid*. It was especially pleased, in that connection, by the Commission's decision that the selected thematic topic for 1991 would be "Ways and means of denying support to racist régimes with a view to making them change their policies".

47. It paid tribute to the final report by the Sub-Commission's Special Rapporteur (E/CN.4/Sub.2/1989/8 and Add.1), and particularly chapter III thereof, in which the approaches chosen to deal with the manifold aspects and

implications of racism had been very ably assessed. Moreover, the conclusions and recommendations contained in the addendum presented valuable ideas and proposals.

48. Miss FUCHS OJEDA (Mexico) said that, while the international community and the black majority population of southern Africa had not yet succeeded in eradicating apartheid, a number of positive events had occurred: the achievement of Namibian independence, and the measures recently announced by the Pretoria régime, which pointed towards a resolution of the conflict. However, the odious régime of apartheid and racial discrimination in South Africa would continue to be a source of grave concern until it disappeared.

49. The world community's action must be firmer and more effective; the struggle of the black majorities in South Africa was not yet over and, as could be seen from the documents currently before the Commission, racial discrimination and apartheid had not yet been eradicated.

50. The Ad Hoc Working Group's report (E/CN.4/1990/7), testified to the countless violations of human rights perpetrated by the South African régime during the period under review. In addition, the updated report (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1) by the Sub-Commission's Special Rapporteur on assistance given to the racist régime showed the need for broad, concerted action by the world community. It was most regrettable that individuals, companies and some countries still maintained economic ties with the South African régime, her Government had repeatedly made clear its position in that regard and its support for the United Nations organs which dealt with the application of the relevant General Assembly and Security Council resolutions.

51. Mexico had subscribed to the various international conventions on the elimination of racial discrimination, and firmly supported United Nations activities within the framework of the Second Decade to Combat Racism and Racial Discrimination. Her Government was convinced that the imposition of comprehensive, mandatory sanctions against the Pretoria régime had been needed to promote change and the adoption of measures aimed at eliminating apartheid for ever.

52. Her delegation hoped that the Commission's work would enhance the efforts made by the international community over several decades to secure full respect, in that region, for the Universal Declaration of Human Rights.

53. Mr. ISSE (Somalia) said that the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7), which presented a grim picture of the violation of human rights in that region, revealed the relentless policy of repression pursued by the racist régime of South Africa and the atrocities committed under the apartheid system. The South African Government was committed to the policy of apartheid and to strengthening the racist system through legislation.

54. It was encouraging to note that, despite repressive legislation and the state of emergency, the level of popular resistance had increased in South Africa. In the final phase of their struggle, the people of South Africa required the unwavering support of the international community.

55. An international consensus against the racist régime had agreed that it was necessary to impose comprehensive and mandatory sanctions on South Africa. Though some delegations took the view that economic exchanges with Pretoria were needed to prevent greater harm to the oppressed majority of non-whites, there could be no doubt that it was the friends of the Pretoria régime whose support had enabled it to defy world public opinion and persist in its intransigent denial of all human rights to its oppressed people.

56. In that regard, he attached great importance to the report prepared by the Special Rapporteur on the adverse consequences of assistance given to South Africa (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1) which showed that although many transnational corporations had sold their South African affiliates, most of them still maintained economic ties with the South African régime through the establishment of non-equity links. His Government strongly advocated the use of consistent sanctions against the South African régime and believed that the régime would crumble if mandatory sanctions were imposed.

57. The President of South Africa had not voluntarily declared his Government's intention to release Mr. Nelson Mandela and other political prisoners and to lift the ban on the ANC, PAC and other political groups. He had done so as a result of the Azanian peoples' struggle and the sanctions imposed by the international community against the *apartheid* régime. In his delegation's view, the statement made by the President of South Africa on 2 February 1990 was too marginal to pave the way for the dismantling of the abhorrent system of *apartheid* and should be regarded as merely a first step towards the creation of the necessary conditions for negotiations.

58. If peaceful change did not take place in southern Africa, more bloodshed and suffering would be inevitable. It was the duty of the international community to ensure that that did not occur. South Africa could no longer withstand the tide of history.

59. His delegation welcomed the significant progress made in the implementation of the United Nations plan for the independence of Namibia in accordance with Security Council resolution 435 (1978). It reaffirmed the inalienable right of the people of Namibia to self-determination and national independence with full respect for their territorial integrity. In conclusion, he appealed to the international community to spare no effort to assist the new-born State of Namibia to assume its place in the family of nations.

60. **Mr. VANDERGERT** (Sri Lanka) said that the positive changes that had been occurring in political relations among and within States had a benign influence on global well-being and multilateral co-operation in its broadest sense. Regrettably, however, those winds of positive change had yet to bless the large majority of people in South Africa who remained shackled to the practice of *apartheid*, which was the only institutionalized form of racial discrimination. It sought to entrench the wealth and power of a minority through practices which were a total negation of democracy and a perversion of established norms of State practice recognized by the civilized world. *Apartheid* ran counter to the very essence of the internationally recognized human rights standards enshrined in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of international law.

61. Instability and insecurity caused by the various manifestations of apartheid had had debilitating consequences for the Front-Line States and for the region as a whole. A number of United Nations studies had assessed the material costs of aggression and destabilization resulting from apartheid but the human cost in terms of lives lost and people displaced could never be quantified.

62. Conspiring to militate against resolute international action to dismantle apartheid were the economic and financial interests which seemed to have accorded priority to short-term economic gain over long-term peace and stability in the region and, more importantly, over the imperatives of restoring the inalienable rights of the large majority of South Africans.

63. That was clear from the updated study by the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1). While his delegation welcomed the fact that a number of corporations had decided to disinvest in apartheid, the study was a reminder that more should be done to sever the remaining political, military, economic and other forms of co-operation with the apartheid economy.

64. The report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) once again demonstrated the validity of the approach that the problem of South Africa had no solution short of the abolition of apartheid, which did not lend itself to reform. Comprehensive and mandatory sanctions against that repugnant system remained the only effective peaceful means of achieving the abolition of apartheid in South Africa. Where people and Governments had taken action against apartheid, the effects could already be seen in terms of their financial and political impact on the apartheid régime.

65. Recent declarations by the South African Government concerning the release of Nelson Mandela and the lifting of the ban on the ANC, PAC and certain other political groups had been welcomed as positive measures. His delegation awaited, however, the translation of those declarations into reality, the lifting of the state of emergency, and serious negotiations towards the restoration of the political rights of all citizens of South Africa. In the meantime, the repressive apartheid legislation remained in force.

66. Negotiations for the abolition of apartheid with the legitimate representatives of the black majority as equal partners would be the clearest indication the South African Government could give of its sincere intention of dismantling apartheid and restoring the fundamental rights of all South Africans. Until the announced intentions were transformed into reality, the international community could not relax its vigilance against that obnoxious system of discrimination and repression and the Commission should continue to voice its total rejection of apartheid and support measures designed to secure its elimination.

67. Mr. BEZABIH (Ethiopia) said it was a universal truth that human rights were those rights that were inherent in man's nature and without which men could not live as human beings. Their deprivation therefore inevitably constituted a serious affront to justice. If there was any social system or

constituted Government that was guilty par excellence of that serious affront it was clearly the racist régime in South Africa and its fascist doctrine of apartheid.

68. Despite the adoption by the United Nations of the International Convention on the Elimination of All Forms of Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and numerous resolutions by the General Assembly, the Security Council, the Economic and Social Council, the Commission and other bodies, the racist régime in Pretoria had ignored and even defied the unanimous call by the international community to dismantle the apartheid system.

69. Some might have misconceptions about the sudden turn of events that seemed to be taking place in South Africa. He was referring to the statement made by the President of South Africa on 2 February 1990 to the Parliament concerning the decision to release Nelson Mandela, the leader of the African National Congress (ANC), and the lifting of the ban on ANC and other anti-apartheid parties and movements. The South African régime had also announced its intention to release political prisoners held in custody because of their association with banned anti-apartheid political parties and movements.

70. His delegation welcomed with great caution those developments as steps taken in the right direction. However, in view of the common conviction that apartheid could not be reformed but had to be abolished, South Africa still had a long way to go before meeting the demands of the international community. It had to dismantle apartheid and install in its place a multiracial democratic system of equality, freedom and justice based on the principle and practice of universal suffrage.

71. The international community must not be deluded into believing that the promises by the South African Government deserve to be immediately awarded by any form of relaxation of sanctions against the régime. The fact of the matter was that the abhorrent policy of apartheid remained essentially unchanged. The black people of South Africa and their supporters were still being subjected to detention without trial, imprisonment, torture and all kinds of intimidation by the racist régime.

72. The report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) confirmed that acts of oppression continued to take place and that, in fact, the situation had deteriorated since the extension of the state of emergency in June 1989. Reports of torture, death in custody and execution of death sentences on political charges were rampant. Unexplained killings of political activists occurred all too frequently.

73. In that connection, the report of the Ad Hoc Working Group revealed that a former officer of the South African police had led a special death squad to "eliminate enemies of the Government" under orders from the highest ranking police officers in the land. The report also quoted an Amnesty International statement that South Africa had one of the highest rates of judicial executions in the world, with a disproportionate number of death sentences being imposed on blacks by an exclusively white judiciary.

74. Detention without trial was a common human rights violation in South Africa. The report also expressed deep concern about the fate of black children in South Africa, noting that children were detained for as long as three years without trial and were subjected to restrictions following their release.

75. It was common knowledge that the assistance the South African régime received through foreign capital and direct military aid had contributed to the perpetuation of the system. The report by the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1) revealed that there were companies, although insignificant in number and in their economic impact, that were reducing their investments or selling out to other third party groups. While the decision by some of the transnational corporations to disinvest was welcome, the tendency of others to replace them was a matter of concern, particularly in view of the continued call by the international community for the strict implementation of the International Convention on the Suppression and Punishment of the Crime of *Apartheid* through, *inter alia*, measures aimed at severing all links with the racist régime.

76. In conclusion, he reiterated his Government's commitment and determination to continue to support the struggle for the total eradication of *apartheid*. His delegation hoped that it would not be too long before South Africa would emerge as a multiracial democracy and begin playing a constructive role in African politics.

77. **Mr. BUHL** (Observer for the German Democratic Republic) said that endeavours to secure a peaceful solution of conflicts in the southern part of the African continent had been encouraged by the fact that the Namibian people had freely expressed its will in elections to the Constituent Assembly and that the elections had proceeded without any major disturbances. That was greatly to the credit of the work of the United Nations Transition Assistance Group (UNTAG), in which his country had actively participated.

78. Building on the positive experience gained in Namibia in implementing Security Council resolution 435 (1978), the United Nations should use its authority to promote comprehensive political settlements of conflicts in other parts of the world also. It was also fair to say that the United Nations peace-keeping role could be instrumental in resolving the whole complex of issues in southern Africa.

79. However, a formidable obstacle in the way of those efforts was the continued existence of *apartheid*. Recent developments indicated, however, that various sections of the white population in South Africa were coming to realize that contacts with representatives of the anti-*apartheid* movement had to be made in order to establish a dialogue on a future democratic and non-racial South Africa, an objective supported by the General Assembly at its special session devoted to *apartheid*. It was encouraging to note that the General Assembly had adopted by consensus a declaration aimed at the elimination of the policy of *apartheid* and the creation of a united, non-racial and democratic South Africa through a peaceful, negotiated settlement.

80. His Government welcomed the decision of the South African Government to release Nelson Mandela unconditionally as a first step towards a peaceful and comprehensive settlement.

81. The political, social and economic marginalization of the black majority resulting from apartheid not only hampered the societal development of South Africa but also posed a permanent threat to that country's neighbours. Despite all the positive and encouraging signs of an incipient peaceful and political settlement of the conflict in southern Africa, there was still justification for pointing out that all forms of racism and racial discrimination, such as apartheid, were among the most serious violations of human rights in the contemporary world.

82. In view of recent events, his Government thought it imperative to recall that racist and nationalist theories had provided the basis for Nazi anti-semitism, that those theories had served to justify the genocide of the Jews and to legitimize the policy of systematic extermination of other peoples. The community of peace-loving and democratic nations could not remain indifferent to the fact that Fascists, neo-Fascists, racists and ultra-nationalists were once again rearing their heads and pursuing their evil designs.

83. His Government once again called upon all States to become parties to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, and the International Convention on the Suppression and Punishment of the Crime of Apartheid. It resolutely supported all endeavours aimed at ensuring the universal application of those instruments.

84. Ms. BRYCE (Observer for Australia), having stated that racial discrimination and racism constituted a world-wide phenomenon which affected every society to some degree and that the commitment to racial equality was one of the corner-stones of the United Nations, said that the elimination of the abhorrent system of apartheid had been a long-standing priority of the Commission and a major objective of the United Nations Decades to Combat Racism and Racial Discrimination. Her Government, which fully shared that commitment, had taken a determined and prominent stand with its Commonwealth partners.

85. The current session of the Commission was being held in the context of a recent statement by the South African Government which held out the promise of a new era for South Africa. Although not going as far as she would like to see, the statement signalled a significant shift in South African Government policy, away from past defiance and towards conciliation.

86. The report prepared by the Sub-Commission's Special Rapporteur on the achievements made and obstacles encountered during the Decades (E/CN.4/Sub.2/1989/8 and Add.1) contained proposals which merited serious consideration, in particular those with a practical focus. Her delegation had been encouraged by efforts to enhance the co-ordination of activities among the various organizations of the United Nations system and thought that a consolidated description of such system-wide activities would be a useful contribution to developing the type of action plan suggested in the report.

87. One of the most important recommendations made by the Special Rapporteur was that education should be directed at shaping attitudes in a way which prevented the development and continuation of racial prejudice. In that regard, her delegation commended the teaching booklet issued by the Centre for Human Rights which was expressly designed for use in elementary schools.

88. Her country had experienced a major demographic change since the establishment of the United Nations. As recently as 1947, 90 per cent of its population had been of Anglo-Celtic descent. In contrast, Australia's current population was drawn from 140 countries around the world and, by 1989, less than half the population was of purely Anglo-Celtic descent and one quarter had no such ancestry. There had also been a corresponding change in attitude. Government policies of enforced conformity and assimilation and of racially based immigration selection criteria belonged to the past. Issues such as overcoming racial prejudice, ending discrimination and promoting social harmony while retaining ethnic and cultural diversity had become important matters of public policy.

89. The Human Rights and Equal Opportunity Commission, of which she was one of four Commissioners, was a major national institution for the promotion of human rights. It was closely involved in a variety of programmes to combat racism and racial discrimination and worked with federal and state authorities in that endeavour. One of its current tasks was a national inquiry into racist violence, which was being conducted by the Race Discrimination Commissioner and a prominent lawyer. Other activities included a project to address the special difficulties faced by immigrant women of non-English-speaking background in becoming aware of the provisions of anti-discrimination laws; two major school projects focusing on multi-cultural education and aboriginal education, and class-room discussions of international human rights instruments; and the preparation of a manual to help corporate managers establish procedures to ensure that discrimination did not occur.

90. In June 1989, her country's Prime Minister had announced the national agenda for a multicultural Australia which was based on three principles: the right of all Australians to express and share their cultural heritage, to practise their religion and to take pride in their language; the right of all Australians to equality of treatment and opportunity, regardless of race, religion, language or birthplace; and the need for Australia to develop and use the skills and talents of all its people, regardless of their ethnic origin.

91. The measures which she had outlined were inspired by her country's commitment to eliminating racism and racial discrimination, a commitment that reflected its support for the fundamental objectives of the United Nations.

92. Mr. BRADY (Observer for Ireland) said that, for many years, the sessions of the Commission had provided the international community with a platform from which to condemn forcefully and unequivocally the policy of *apartheid*. Familiarity with the catalogue of abuses of fundamental human rights had not dulled the Commission's sense of outrage at the reality in which the black population of South Africa had been forced to live. A society which, as a matter of public policy, had built its political system on racial discrimination could not hope to endure. The question was whether the opportunity to bring about the necessary transformation of society by peaceful means would be grasped while there was yet time.

93. The previous response of the South African authorities to appeals from the international community and to the demands for equality and justice from within the country had been to increase repression in a futile attempt to reassert its dominance.

94. His Government had consistently taken the view that the maintenance of maximum international pressure on the South African Government - including sanctions - was an important part of a policy aimed at bringing about the abolition of apartheid by peaceful means. While the peaceful building of a truly democratic and non-racial state in South Africa was possible, only real negotiations involving the participation of the genuine representatives of all the people of South Africa could lead to a just and durable settlement.

95. The initiative for setting that process in motion rested with the South African Government which had to create the necessary climate for negotiations. The pressure of international public opinion had undoubtedly been an important factor in convincing the South African authorities of the impossibility of maintaining a social and political system based on coercion, and recent events suggested that South Africa might finally be turning away from such self-destructive policies. It was in that context that he welcomed the encouraging measures just announced by President de Klerk.

96. The decision to release Nelson Mandela unconditionally and without delay, the lifting of the bans on the ANC and other organizations, and other measures, constituted hopeful signs that a climate for negotiations might soon exist. It was to be hoped that Mr. Mandela's release would take place forthwith, and his delegation urged the South African Government to end the state of emergency and create such a climate, in the hope that the recently announced measures were the beginning of an irreversible process leading to the early dismantling of apartheid.

97. Mr. AL-QUTAISH (Observer for the Yemen Arab Republic) said that the achievement of human rights and fundamental freedoms remained the basic objective of the majority of people in South Africa, who had been deprived of those rights in the previous decades. The oppressed majority in South Africa had resisted and was continuing to resist apartheid, and was making huge sacrifices for freedom and the fundamental rights embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights. In its just struggle, it had received support from the international community since 1946, when the question of apartheid had first been brought before the General Assembly. The international community had unanimously condemned apartheid, which was contrary to the spirit and letter of all divinely revealed religions and a source of concern to all the peace- and equality-loving peoples of the world.

98. The apartheid régime in South Africa could not be reformed or improved; it must be eradicated. It was supported by discriminatory legislation governing all aspects of economic, political, cultural and social life. The recent decisions announced by the Head of the régime had thus not affected the essence of the problem. They were partial and selective, and did not create an appropriate climate for the start of serious negotiations aimed at the abolition of apartheid in accordance with the Harare Declaration adopted by the Organization of African Unity, an important document which contained a plan for a comprehensive political solution which could guide South Africa towards the goal of a united, non-discriminatory and democratic State.

99. It was incumbent upon the Pretoria régime to create an appropriate climate by abolishing the state of emergency and all discriminatory legislation, immediately and unconditionally releasing Nelson Mandela and his associates, lifting all restrictions on the activities of individuals and organizations opposing apartheid and withdrawing the troops from all the African townships.

100. Every measure taken so far by Pretoria towards the abolition of apartheid resulted from the escalating struggle of the oppressed majority with the support of the international community. For such endeavours to be even more successful, however, it was necessary to strengthen the boycott against South Africa and impose comprehensive sanctions.

101. He condemned the co-operation between the apartheid régime and Israel in the military and nuclear fields. The policies of Israel and South Africa were two sides of the same coin. Both were derived from an ideology based on racism, and both régimes engaged in persecution and repression and used the same weapons.

102. The reports which were before the Commission showed the magnitude of the human tragedy affecting the majority of the population in South Africa and the extensive role of military and political assistance in perpetuating the apartheid system. The Commission should adopt resolutions in keeping with the magnitude of the crime of apartheid and appeal to the international community to strengthen the boycott and impose comprehensive sanctions on South Africa.

103. Ms. MOKATE (World University Service) said that the situation in South Africa was changing rapidly as the Pretoria régime attempted to contain the pressures of popular resistance and international solidarity actions against white minority rule. While the measures and intentions recently announced by the South African Government were to be welcomed as important steps towards resolving the conflict, it was not clear that an irreversible process of dismantling apartheid and the trappings of white minority rule had begun.

104. There had, for instance, been no mention of abolishing the apartheid laws, or the vast array of repressive legislation under which so many people had been gaoled. Nelson Mandela remained a prisoner and, if released, could easily be prosecuted again if he resumed his anti-apartheid activities. Her organization accordingly urged the international community to maintain and intensify sanctions until the process of dismantling apartheid became irreversible.

105. Her organization was particularly concerned at the crisis in the educational sector. Over the previous five years, black education in South Africa had been a battleground, where militant youth had confronted the South African Defence Force and the police. The Commission had heard much evidence concerning the resistance, the brutalization of the country's black youth and the devastating impact of the widespread detention, gaoling and torture of schoolchildren and the militarization of the school grounds and class-rooms. The State's educational structures had degenerated into ineffective bureaucracies, seemingly intent on denying any meaningful education to black South Africans.

106. As confirmed in the Ad Hoc Working Group of Expert's report (E/CN.4/1990/7), white schools were being underutilized and even closed down for lack of pupils, while thousands of black pupils were being turned away for lack of schools. Overcrowding, poor facilities and poorly qualified teachers remained endemic in black education, while the glaring disparities in the resources made available for blacks and whites continued to reinforce those inequalities. Recent estimates had indicated that some 300,000 additional teachers were required to bring current teacher-pupil ratios up to acceptable levels for black schools. In addition, there appeared to be gross irregularities in the marking of school-leaving examinations.

107. There was every indication that the educational crisis in South Africa was becoming explosive, and it was imperative that serious attention should be accorded to the popular demands concerning education if Mr. de Klerk truly wished to usher in a new era. Developments within the educational sector should allow for the incorporation of the aspirations of the black majority and the replacement of Bantu education by a genuinely democratic, people's education.

The meeting rose at 1.00 p.m.

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Forty-sixth session

SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 8 February 1990, at 3 p.m.

Chairman: Mrs. QUISUMBING (Philippines)

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development

(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms

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Effective functioning of bodies established pursuant to United Nations human rights instruments

The meeting was called to order at 3.30 p.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1990/6 and 7)

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STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION (agenda item 16 (a)) (continued)

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1. Mr. EYA-NCHAMA (International Movement for Fraternal Union among Races and Peoples) said that it was deplorable that, in 1989, the despicable system of apartheid had once again cruelly stricken the black population of South Africa, as was borne out by the report of the Ad Hoc Working Group of Experts on Southern Africa (E/CN.4/1990/7) which, inter alia, described the horrible tortures inflicted on detainees.

2. When the Union of South Africa was founded in 1910, the country's Constitution, which was the outcome of a compromise between the Dutch and British settlers, had laid the foundations of apartheid by refusing to allow non-whites to participate in political life. Later, the Land Act of 1913 had allotted 87 per cent of the land to 19 per cent of the population.

3. On taking power in 1948, the leader of the National Party, Mr. Malan, had set about institutionalizing apartheid. An unquestioning supporter of Hitler and Mussolini, and a believer in the superiority of whites over non-whites, he imposed the systematic segregation of races in all areas of life.

4. The ideology of apartheid rested on four essential beliefs. First, God had chosen the whites in general, and the Boers in particular, to rule South Africa. Blacks who claimed rights, whether civil, political, economic, social or cultural, were therefore devils. Second, the will of God guided the destiny of the Afrikaners; it was therefore in humble submission to an almighty God that the Afrikaners ill-treated other races, massacred blacks, invaded neighbouring countries or seized land. Third, the whites of South Africa had a mission to defend western Christian civilization, which was why they were surprised when western Christian countries protested against apartheid. Fourth, and last, the whites must preserve the biological purity of the white race.

5. Anyone who opposed that doctrine must be destroyed, physically or - even worse - psychologically. All South Africa's Governments since 1948 had practised such State terrorism, as was shown by the massacres of Sharpeville, Soweto, Durban and the Cape, or the bantustans, where 81 per cent of the South African population had been penned up. The economic system of the pirate republic was based on the exploitation of the pool of cheap labour formed by the black majority - as a result of the apartheid system which had been set up primarily to sustain it - as well as on credits from foreign countries, which were thus aiding and abetting the apartheid system.

6. To be sure, it was up to the South Africans to rid themselves of apartheid, but the international community must help them to do so by imposing mandatory sanctions, and it must understand that the ideals that guided those who fought against apartheid in South Africa were the same as those that had impelled the English revolutionaries of the seventeenth century, the Founding Fathers of the United States of America or the French revolutionaries of 1789.

7. As the example of Zimbabwe had shown, the white minority of South Africa had no reason to fear the advent of a democratic régime. The only enemy of all South Africans was the apartheid system itself.

8. The recent statements by Mr. de Klerk were a major step forward along the road of national reconciliation. However, if he really wanted to help to create peace and a truly democratic régime, Mr. de Klerk would have to move from words to deeds; he must completely lift the state of emergency, release all political prisoners, allow political refugees to return, repeal all the laws relating to apartheid, allow all South Africans, whatever their race, to exercise their civil and political rights and convene a national convention in which all South Africans could take part in drawing up a democratic constitution.

9. Mr. RAIANI (International Organization for the Elimination of All Forms of Racial Discrimination - EAFORD) condemned the close links between the racist régime of South Africa and the Zionist régime of Israel. In August 1989, at the preceding session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, his organization had stated that, according to South Africa's ambassador to Israel, Israeli exports to South Africa had reached $137 million in 1988, and South Africa's exports to Israel had reached $200 million; those figures did not include trade in military equipment which was estimated to have amounted to between $400 and $800 million in 1986. His organization had also stated on that occasion that South Africa, with the help of Israel, was about to begin testing a medium-range ballistic missile capable of carrying nuclear warheads. United States intelligence agents had stated that Israel and South Africa had been developing the missile, a modified version of the Israeli Jericho II missile, since 1987, a fact confirmed by the Israeli newspaper Yediot Aharonot on 27 November 1987. The close military co-operation between the two countries had been further confirmed by Mordechai Vanunu, the Israeli nuclear technician who had been imprisoned for disclosing information about Israeli nuclear weapons to the United Kingdom newspaper The Sunday Times. Mr. Vanunu had said that there was a permanent South African presence at Israel's secret nuclear weapons plant in Daimona, where he had worked.

10. On 25 October 1989, the United States television network NBC-TV had reported that, according to a report from the Central Intelligence Agency (CIA), South Africa in return, was providing Israel with enriched uranium for its nuclear warheads. NBC-TV had added that Israeli experts were conducting tests at the South African test centre at Overberg. South Africa had also received support from Israeli military leaders such as Raphael Eitan, the former Army Chief of Staff, who had declared on 24 December 1987, during a conference at the law school at Tel-Aviv University: "Anyone who says that the blacks are oppressed in South Africa is a liar. The blacks there want to gain control of the white minority, just like the Arabs here want to gain control over us".

11. EAFORD had noted Mr. de Klerk's promises with interest, but called for the immediate release of Nelson Mandela. It also demanded the unconditional release of all political prisoners, including freedom fighters, and the lifting of the state of emergency.

12. Mr. PATEL (Pakistan) noted that the latest report of the Ad Hoc Working Group of Experts (E/CN.4/1990/7) once again contained a depressing catalogue of the human rights violations committed by the South African Government. Admittedly recent statements by Mr. de Klerk, following the release of Mr. Walter Sisulu, had given rise to optimism. But Nelson Mandela had not yet been released and, although some political prisoners had been released, what was needed was the release of all. Morever, Mr. de Klerk's statement of 2 February had made no reference to the laws upon which apartheid was based, namely the Group Areas Act and the Population Registration Act.

13. Pakistan, which was a signatory to the International Convention on the Suppression and Punishment of the Crime of Apartheid and had always been sceptical about "constructive engagement" or the gradual reform of apartheid, considered that all discriminatory laws must be repealed. Pakistan was in favour of comprehensive sanctions against South Africa; although the sanctions imposed so far had been very limited (as Mr. Khalifa had pointed out in his report, E/CN.4/Sub.2/1989/9), they had nevertheless, had an effect on the South African régime. According to Mr. Khalifa, they had caused South Africa a loss in foreign exchange of $30 to 40 billion over the last four years. The Special Rapporteur had also estimated that the loss in export earnings through sanctions was now running at about $4 billion annually. The international community should therefore not relax those sanctions merely because of Mr. de Klerk's statements.

14. Pakistan rejoiced at the successful completion of elections in Namibia and looked forward to the completion of the independence process. After the long and harsh oppression which the Namibian people had suffered, Pakistan felt that they should receive generous assistance after independence.

15. Mrs. RADIC (Yugoslavia) said that her Government continued to support the just struggle of the black people of South Africa and rejected any form of co-operation with the Government, institutions and enterprises of the country, or in any sports or cultural links. Her country had firmly advocated comprehensive and mandatory sanctions, and it called for them to be implemented by all the States Members of the United Nations. Yugoslavia considered that apartheid must be abolished and replaced by a completely new, modern and democratic society. The international community had increased its

pressure on South Africa in 1989, particularly after the meeting of the Organization of African Unity in August, the ninth Non-Aligned Summit in Belgrade and the sixteenth Special Session of the United Nations General Assembly in December 1989.

16. Her delegation firmly supported the decisions taken at those meetings, and welcomed the useful work done by the Group of Three and the reports by Mr. Khalifa and Mr. Eide. Her delegation noted with interest the statement made by the President of South Africa, Mr. de Klerk, on 2 February 1990 but felt that South Africa still needed to release all political prisoners, lift the state of emergency and remove the restrictions on organization and persons campaigning for equal rights. Her delegation regretted that in his statement Mr. de Klerk had not indicated that he had any intention of dismantling apartheid; it therefore called upon the Commission to maintain its pressure on the South African Government.

17. Mr. RYDER (International Confederation of Free Trade Unions) said that President de Klerk's statement of 2 February had been a victory for the campaign waged by the people of South Africa and the international community against apartheid, but that the campaign must continue. Nelson Mandela was still in prison, the state of emergency continued and the apartheid legislation was still in force. Moreover, the black trade union movement continued to be subjected to dramatic violations of its basic rights.

18. Those violations included the police raids on the offices of the Congress of South African Trade Unions (COSATU) and the National Council of Trade Unions (NACTU) in August 1989, the dismissals or warnings of dismissal handed out to more than 1,000 workers after the of September stayaway, the arrest of 97 members of the construction workers' union during a strike in July, the suppression of a demonstration in December in support of striking brewery workers, which had left 70 people injured, and the measures taken by police, also in December, to disperse striking dockers with teargas and rubber bullets. A more recent example was the suppression of the railway and dockworkers' strike, which had left 35 people dead and led to 23,000 dismissals.

19. The repression inflicted on South African trade unionists was institutionalized in the Labour Relations Amendment Act of 1988, which undermined the right to strike and permitted mass dismissals. COSATU's and NACTU's campaign against the law had not yet borne fruit. His organization also wished to draw the Commission's attention to the situation of the rural workforce, which was denied the most basic trade union rights, worked in squalid conditions and subject to violence from white farmers. Nevertheless, despite all the repercussions of the repression which he had described, the black trade union movement had succeeded in preserving its local and national structures and consolidating its effectiveness.

20. The campaign against apartheid must continue until everyone had the right to vote in a united, democratic and non-racial South Africa. In order to achieve that, it was essential to step up economic sanctions which, although only partial so far, had clearly been agents of change in the country. The major South African financial institutions had indicated that sanctions had affected the economy and that the white minority, which had experienced a drop of some 15 per cent in its living standard, was more seriously affected by

sanctions than the black majority. Unfortunately, however, South Africa's export earnings were beginning to increase again. It was essential not to relax the sanctions.

21. His organization had set up a working group to promote a co-ordinated approach to an embargo against South African coal. It was mobilizing its members and the public against those banks providing financial support to *apartheid*. To the previously published lists of foreign multinationals operating in South Africa, it had added another list of South African multinationals which were attempting to evade sanctions by operating abroad. It also published information on those companies which made use of the repressive clauses of the Labour Relations Amendment Act in order to suppress trade union rights.

22. His organization was pleased that the struggle of the Namibian people had made South Africa understand that its illegal occupation of Namibia had become a liability. A delegation from his organization had visited Namibia in November 1989 to discuss in detail with the Namibian trade union movement forms of assistance which could lend it support in the context of an independent Namibia.

23. Mr. LITTMAN (World Union for Progressive Judaism) recalled that, since 1986, his organization had spoken out before the Commission and the Sub-Commission against General Assembly resolution 3379 (XXX), which had described Zionism as "a form of racism and racial discrimination". Symbolically, the resolution had been adopted - by 72 votes to 35, with 32 abstentions - on the thirty-seventh anniversary of that explosion of Nazi racial hatred against the German Jews known as *Kristallnacht*. No democratic State had voted for the resolution. He had quoted many condemnations of the resolution in the past: on the present occasion, he would confine himself to quoting once again Mr. Conor Cruise O'Brien, a former senior United Nations official and Irish minister: "Anti-Zionism can be a good way of manifesting anti-Semitism in practice, while remaining anti-antisemitic in theory". While some States now regretted their vote, others had still not decided to render obsolete that official endorsement of anti-Semitism constituted by resolution 3379 (XXX). Certainly some members of the Commission still supported that moral aberration; he remembered that on 24 August 1989, during the last session of the Sub-Commission, the expert from Cuba had said that he was proud to have contributed to the drafting of the resolution.

24. Andrei Sakharov, the winner of the Nobel Peace Prize in 1975 and precursor of the human rights campaign in the USSR, had condemned resolution 3379 (XXX) as anti-Semitic. The anti-Zionist and anti-Semitic campaign had been launched in the USSR - in the pre-Gorbachev era - and had been taken up by the Arab-Islamic fundamentalist front. At that time, dozens of Soviet writers such as Trofim Kichko and Lev Korneev had regularly published venomous anti-Semitic and anti-Zionist writings. In 1973, a Paris court had condemned the Communist deputy mayor of Nanterre for distributing a pamphlet published in 1906 by the group *Soyuz Russkovo Naroda*, inciting people to carry out pogroms; the pamphlet had been reproduced by the Soviet embassy in Paris which had, however, replaced the word "Jew" by the word "Zionist". To give a further example of the virulence of the anti-Zionist campaign in the USSR, he could mention a memorandum entitled "De-Zionization" submitted by the

"Arabist" Valery Emelyanov to the Central Committee of the Communist Party in 1977, which had advocated the deportation of Jews to remote areas of the USSR. Emelyanov had been arrested in Moscow on 7 April 1980, not for incitement to racial hatred, but for the murder of his wife. After being expelled from the Communist Party and spending some time in a psychiatric hospital, he was now back at work as an activist for the anti-Semitic organization Pamyat'.

25. The time had come for the USSR and all the States which had voted for resolution 3379 (XXX) in 1975 to ensure that the resolution was swiftly declared null and void. Recalling that the United States Vice-President, Dan Quayle, had suggested two months earlier that the United States of America and the USSR should work together in the fight against anti-Semitism, he said that Mr. Alexander Golitsin, political counsellor at the Soviet embassy in London, had tacitly rejected resolution 3379 (XXX) the previous month, at a conference on Israel held in London under the auspices of the United Kingdom Foreign Office. Mr. Golitsin had declared: "The condemnation of Zionism as racism was part of the ideological war of the time, when everything related to Israel was presented in the Soviet Union in an unfavourable light ... . We should get rid of ideological conflicts". In conclusion, he hoped that representatives of States which had recently regained their liberty would indicate their views on the subject during the current session.

26. The CHAIRMAN said that the Commission had finished its debate on agenda items 5, 6, 15 and 16.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING: FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 7) (E/CN.4/1990/8 and E/CN.4/Sub.2/1989/19)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (E/CN.4/1990/9 (Part III), E/CN.4/1990/33 and E/CN.4/1989/10)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (E/C.12/1988/1; CCPR/C/2/Rev.2 and A/44/441)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (E/CN.4/1990/39; A/44/539 and 668)

27. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights), introducing agenda items 7 and 8, said that the issues they addressed had been under consideration in the United Nations for many years. In 1945, the peoples of the United Nations had declared in the Preamble to the Charter of the United Nations their determination "to promote social progress and better standards of life in larger freedom". Economic, social and cultural rights had been laid down in articles 23 to 27 of the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in 1966 along with the International Covenant on Civil and Political Rights. The indivisibility and interdependence of the two categories of rights had been reaffirmed in a number of instruments.

28. The Commission on Human Rights had begun to consider the realization of economic, social and cultural rights in 1968, and had accorded it high priority since 1975. At its forty-fifth session, in resolution 1989/15, the Commission had decided to add a sub-item to the agenda item, on foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on implementation of the Declaration on the Right to Development, because of the great concern aroused by the problem in recent years. Mr. Bettino Craxi, former Prime Minister of Italy, had been appointed as the Secretary-General's representative to study the most appropriate ways of alleviating the debt burden of certain countries as effectively and swiftly as possible. A meeting of non-governmental organizations had been held in November 1989 on the effects of the debt crisis on the enjoyment of human rights and fundamental freedoms.

29. At the request of the Commission, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had asked one of its members, Mr. Danilo Türk, to study problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights. Mr. Türk's preliminary report had been issued in document E/CN.4/Sub.2/1989/19.

30. Pursuant to the request formulated in resolution 1989/14, the Commission had before it a report (E/CN.4/1990/8) containing comments from Governments, United Nations organs, specialized agencies and non-governmental organizations on the study on popular participation.

31. The question of the realization of the right to development was dealt with in agenda item 8. The identification of problems raised by various aspects of human rights and development had led to the adoption, by the General Assembly, of the Declaration on the Right to Development on 4 December 1986, from which he quoted extensively. The Commission on Human Rights had then set up the Working Group of Governmental Experts on the Right to Development, which had mmet prior to the Commission's 1987, 1988 and 1989 sessions to study any proposals relating to ways and means of guaranteeing the effective implementation of the Declaration at the individual, national and international level. At the Commission's forty-fifth session, in resolution 1989/45, it had invited the Secretary-General to organize in 1989, within existing resources, a global consultation, involving experts and representatives of the United Nations system, including its specialized agencies, regional intergovernmental organizations and interested non-governmental organizations, on the realization of the right to development. The Global Consultation, which had taken place in Geneva

from 8 to 12 January 1990, had produced extremely interesting discussions of a wide range of interrelated subjects, each dealt with from the point of view of respect for human rights and fundamental freedoms. The Consultation had clearly shown the interdependence between the right to development, as a human right, and other areas of activity.

32. The Commission and other United Nations bodies might well use the conclusions and recommendations of the Global Consultation as a basis for considering future action in that very important field. Besides the report on the global consultation (E/CN.4/1990/9), the Commission had before it an analytical compilation of comments and views by Governments, non-governmental organizations, United Nations organs and specialized agencies on the implementation and further enhancement of the Declaration on the Right to Development (E/CN.4/1990/33).

33. Finally, he wished to draw the Commission's attention to General Comment No. 2, on the interdependence of all human rights, recently adopted by the Committee on Economic, Social and Cultural Rights. In the document the Committee drew attention to a number of specific measures which should be taken to integrate human rights concerns into development activities, in line with the Global Consultation's conclusions.

34. All those issues were complex and at times extremely difficult to understand, but they dealt with the way men and women lived throughout the world. It was, therefore, to be hoped that the Commission's work would contribute to achieving the objective of the United Nations in the economic, social and cultural fields, as set forth in the Charter of "better standards of life in larger freedom".

35. Turning to agenda item 17, concerning the status of the International Covenants on Human Rights, he drew the Commission's attention to the Secretary-General's report (A/44/441), which provided information on the number of signatures and ratifications of both Covenants and the Optional Protocol and was submitted to the Commission in pursuance of resolution 1989/17. Since the completion of that report, Algeria and Ireland had ratified, and Somalia had acceded to the two Covenants, thus bringing the total number of States parties to the International Covenant on Economic and Cultural Rights to 95 and that of the International Covenant on Civil and Political Rights to 90. Further, the number of ratifications or accessions to the Optional Protocol to the International Covenant on Civil and Political Rights had increased from 43 to 49 during 1989, the six new States parties being Algeria, Ireland, the Libyan Arab Jamahiriya, New Zealand, the Philippines and Somalia. Algeria and Ireland had also made the declaration provided for in article 41 of the International Covenant on Civil and Political Rights, thus bringing the total number of States parties which had made that declaration to 26.

36. Since the Commission's last session, the Human Rights Committee had continued to discharge its mandate in a highly positive manner, despite an increasingly heavy workload. During its three sessions in 1989, it had considered a total of 12 reports. Two of those had been third periodic reports, which had been considered using a new methodology which placed primary emphasis on maintaining and strengthening the dialogue between the

Committee and the States parties. In order to facilitate its work relating to communications, the Committee had appointed a Special Rapporteur to deal with new communications, and had made several amendments to its rules of procedure. During the past year, it had adopted two additional general comments (one on the rights of children to protection under article 24 of the Covenant, and one on non-discrimination), which brought the total number of its general comments to 18.

37. The Committee on Economic, Social and Cultural Rights had held four sessions since its inception. At its third session (6-24 February 1989), the report of which was contained in document E/1989/22, it had devoted considerable effort to a review of various aspects of its methods of work. For the first time, it had held a general discussion on the rights contained in article 11 of the International Covenant on Economic, Social and Cultural Rights, giving particular attention to the right to food. It had also adopted its first General Comment entitled "Reporting by States parties", as well as its provisional rules of procedure. It had further made a number of suggestions and recommendations to the Economic and Social Council with respect to its future work relating, inter alia, to arrangements for the transition to the new reporting periodicity, the advisory services programme, co-operation with the specialized agencies.

38. At its 1989 session, the Economic and Social Council had expressed its satisfaction with the constructive manner in which the two committees were carrying out their functions. It had decided that, in 1990, the Committee on Economic, Social and Cultural Rights should hold an additional session. The General Assembly had approved that decision at its forty-fourth session and, accordingly, the fifth session of the Committee would be held in Geneva from 26 November to 14 December 1990. From 1991 onward, the Committee would meet every year at that time, to avoid the overlapping of its sessions with those of the Commission on Human Rights.

39. At its fourth session, which had taken place from 15 January to 2 February 1990, the Committee on Economic, Social and Cultural Rights had considered nine reports from seven States parties, bringing the total number of reports examined by it since its establishment to 49. It had also adopted its General Comment No. 2, on international technical assistance measures, and had continued its discussion of the rights contained in article 11 of the Covenant, giving particular attention to the right to housing. It had also adopted a number of suggestions and recommendations of a general nature formulated on the basis of its consideration from the reports of States parties and the reports of the specialized agencies. The Committee had, inter alia, expressed the hope that the Economic and Social Council would approve its provisional rules of procedure and would authorize a working group to meet one to three months before the Committee's annual session.

40. More detailed information could be found in the Committee's report on its third session (E/1989/22). The report on the fourth session would be submitted to the Economic and Social Council at its first regular session in 1990 to be held in May.

41. Introducing agenda item 18, he said that the item had been included in the agenda in accordance with Commission resolution 1989/47 and dealt with the effective functioning of bodies established pursuant to the United Nations

human rights instruments. The Secretary-General's report to the General Assembly at its forty-fourth session (A/44/539) was before the Commission and it gave details of progress achieved by the treaty bodies and by the Secretary-General in simplifying, rationalizing and improving reporting procedures. Significant progress had been made during the past year in respect of the consolidation of the Reporting guidelines produced by the various treaty bodies; a revised draft text of the consolidated guidelines had been approved by most of the international human rights treaty bodies, and the final text was expected to be agreed by all of them during 1990. The adoption of the consolidated guidelines would ease the burden on States which were parties to several international instruments, by making it possible for them to submit the same core document to the various treaty bodies in respect of the initial part of their report (A/44/539, para. 5 and annex).

42. The preparation of a detailed reporting manual, to assist States in fulfilling their reporting obligations (A/44/539, para. 6) was receiving priority attention. Additionally, in an effort to expedite the timely and effective consideration of States parties' periodic reports, a number of treaty bodies had decided to appoint rapporteurs or pre-sessional working groups and had instructed them, inter alia, to draw up a specific list of issues to be considered in respect of each report (A/44/539, para. 7).

43. The Commission also had before it a study carried out by an independent expert, in accordance with resolution 1985/47, on possible long-term approaches to enhancing the effective operations of the bodies established under the United Nations human rights instruments. That study (A/44/668) had been submitted to the General Assembly at its forty-fourth session. Finally, a task force had been instructed to study computerizing the work of the treaty monitoring bodies in relation to reporting, in accordance with Commission resolution 1989/46. The report of the Secretary-General on that study had been submitted to the Commission (E/CN.4/1990/39).

44. Mr. de RIVERO BARRETO (Peru) said that, when considering the agenda items which Mr. Nyamekye had just introduced, the Commission should give some thought to the effects which economic adjustment policies undertaken as a result of foreign debt, might have - and did have - on the effective enjoyment of human rights. The issue was a sensitive and complex one, but one which had to be discussed. He was not trying to provoke a North-South confrontation, because such an exercise would not only be futile, but would run counter to the spirit of dialogue which, in the current world situation, should activate the Commission's current session. The world had seen the irresistible advance of civil and political rights and democracy in the countries of Central and Eastern Europe, to which Western Europe and the United States of America had responded with an enthusiastic determination to strengthen the economies of those countries. Surely that was tantamount to recognition that civil and political rights must be based on a sound economy or, in other words, on the full enjoyment of economic and social rights?

45. Latin America had never experienced such a wide-ranging phenomenon as the growth of democratic régimes over the last 10 years and more, but neither had it known such instability or such a major and protracted economic and social crisis. The democracies established in Latin America were poor and debt-ridden, and consequently extremely vulnerable. Nevertheless, that

dichotomy between political freedom and social unrest had not been found worthy of the same concern or the same interest as the dichotomy between democracy, on the one hand, and economic inefficiency and poverty, on the other hand, in Central and Eastern Europe. Yet, democracy was unique and indivisible; there was no dividing line along the Equator between democracy in the South and democracy in the North, nor was there a wall between the democracies of the West and those of the East. The promotion of civil and political rights called for the energy and solidarity of the entire international community; preference should be shown in respect of certain regions or groups of countries which had formerly been rivals.

46. To form some idea of the enormous sacrifice made by many Latin American countries in order to achieve economic adjustment, a comparison should be made with the sacrifice which Germany had been obliged to make in order to make its reparations after the First World War, following the Treaty of Versailles. Germany had received assistance and its debt had been completely remitted, which was certainly not the case for the heavily indebted developing countries, and still less the case for the Latin American countries. When the democratic Governments of heavily indebted developing countries asked for economic co-operation to enable their peoples genuinely to enjoy their economic rights, it did not mean that they had assigned economic and social rights priority over civil and political rights; on the contrary, the facts showed that, despite their meagre resources, despite the enormous burden of debt servicing, despite the scourge of terrorism and drug trafficking, the countries of Latin America respected the rule of law, freedom, political pluralism, trade union rights and freedom of opinion, and held regular and honest elections.

47. Why did the developing countries of Latin America still wish to preserve democracy in spite of their economic difficulties? It was because the political class and the people of Latin America and other democracies were convinced that trying to ensure the survival of the people and the satisfaction of its basic needs without being concerned about civil and political freedoms was an option which would not withstand the test of history, as recent events in Central and Eastern Europe had shown. In the modern world, the indivisibility of political and economic rights was self-evident. It was therefore no coincidence that the United Nations General Assembly had adopted the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights on the same day and in the same resolution.

48.The indivisibility and interdependence of human rights had one essential aspect which should not be forgotten: the link between the economy and the individual, the human person. The Charter of the United Nations and all the international human rights instruments recognized the primacy of the human person. In general, people tried to resolve economic problems by applying purely mathematical and quantitative formulae, without considering their effect on flesh-and-blood human beings, with their needs, ideals and rights. The human condition was not merely a metaphysical concept; it could be measured by means of parameters such as the infant mortality rate, the malnutrition rate, income levels, etc. Consequently, human factors must be taken into account in the macro-economic adjustment policies dictated by the debt problem.

49. However, the indications were that the world was beginning to take those factors into account. For example, Peru had just signed a frame agreement with the International Monetary Fund, in which the human factor had been taken into account in drawing up the medium-term adjustment programme which the country would have to apply in order to normalize its relations with the international financial community. Under the agreement, which had proved difficult to negotiate, the adjustment plan was primarily intended to increase the percentage of the active population with suitable employment and to raise the real purchasing power of wages. Secondly, the economic adjustment measures should include measures to prevent negative effects on the low-income urban and rural population, or at least provide some compensation for them. Thirdly, the programme took into account the high economic and social cost of such factors as armed subversion, drug trafficking, unemployment and low incomes, all of which undermined the foundations of democracy. That new approach was a very healthy one, and his delegation hoped that the frame agreement would mark the beginning of a new trend in the economic adjustment programmes which the Commission would be called upon to consider.

50. Moreover, Mr. Danilo Türk, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, who had been instructed to study problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, considered that the international co-operation provided by the International Monetary Fund and the World Bank was crucial for the realization of those rights while countries which wished to re-enter the international credit market were applying their structural adjustment policies.

51. One of the most useful studies prepared by the international community on the social and human aspects of the adjustment process, namely the UNICEF study, clearly showed that it was scientifically possible to apply adjustment programmes which would simultaneously guarantee development, on the one hand, and the protection of vulnerable groups, on the other. The publications in question were entitled "Adjustment With a Human Face" (1989) and "The situation of children in the world" (1990). The study on adjustment policies with a human face described the tragic consequences for the individual of the economic crisis and the large-scale indebtedness incurred by many developing countries during the 1980s. The groups most affected had been children, women and other vulnerable groups in most of the countries of Africa and Latin America and in some Asian countries.

52. In its publication on world debt statistics (*Debt Tables*, 1989-1990), the World Bank had indicated that it was aware that the serious problem of foreign debt was one of the factors that had most impact on economic and social development in many developing countries, as well as the standard of living of their people.

53. New initiatives had been taken on the issue of debt, and positive results were expected; but the problem was far from resolved, as the reports of the World Bank, the IMF, UNCTAD and many non-governmental organizations and universities indicated. That vital issue should, therefore, remain on the agenda of international bodies. Peru considered that it should be included in the agenda of the Commission's forty-seventh session, so that the Commission could consider the way in which human factors were taken into account in economic adjustment policies. His delegation would join other Latin American delegations in submitting a draft resolution to that effect.

54. Mr. ARTEAGA (Venezuela) said that agenda items 7 (a) and 8, on the right to an adequate standard of living and the right to development, were of capital importance for his delegation, and constituted a sensitive, specific and highly topical issue. At present, it was difficult not to begin every statement with a reference to the great upheaval which was taking place in the world political order, and which everyone expected to usher in a new era of solidarity and co-operation among the members of the international community. The consolidation of freedom and the democratization of societies were advancing apace, and the end of the century looked like being a time of liberalization, of intensified dialogue and of legitimate hope that the peoples of the world might realize their desire for détente and improved international economic relations, built necessarily on just foundations.

55. In the current situation, it seemed a logical assumption that the problems related to the right to development, such as the right of peoples to enjoy an adequate standard of living, might be discussed in an atmosphere of greater understanding and solidarity on the part of all countries. The present unique moment in time should not be allowed to slip away, when it was essential that its effects should be felt in other, and no less important, areas; nor should an event which was beneficial for some become prejudicial for others. His delegation had in mind the socio-economic situation of the developing countries, which had deteriorated so dramatically that it could be claimed that the 1980s had been a wasted decade for development.

56. The efforts to guarantee the peoples of the developing countries a minimum standard of living to enable them to enjoy the right to development had been hampered by the crushing financial burden of foreign debt and the sacrifices which it imposed. That factor posed a serious threat to the political and social future of the small nations, where the very existence of democratic institutions was threatened. By way of illustration, he need only remind the Commission that by means of a variety of procedures, including debt servicing, the countries of the South had transferred massive amounts of capital to the international financial centres and that, according to the World Bank, the net outflow of capital from developing countries had amounted to $164 billion between 1984 and 1988.

57. Problems such as those were relevant to the work of the Commission on Human Rights because the central subject of the right to development was the individual, who could not enjoy that right if society did not provide him with the requisite conditions. The development of the individual could not be dissociated from the development of the country in which he lived; the responsibility of guaranteeing the realization of the right to development lay with States, and their task would be easier in an international climate of supportive co-operation. It was clear, therefore, that economic, social and cultural rights could not remain peripheral or secondary concerns. The Declaration on the Right to Development stated that the right to development was an inalienable human right and that all human rights and all fundamental freedoms were indivisible and interdependent. It would, therefore, be unthinkable and unacceptable for international solidarity to make a distinction between certain human rights, of a kind which would mobilize the active interest of countries and organizations, and other human rights, which would be reserved for the countries which already enjoyed them, and which would feel no moral obligation to share them.

58. Since it was impossible to debate the way of realizing the right to development without giving some thought to the social cost of crises that were as serious as those caused by foreign debt, the Commission had added an item to its agenda in 1989 - item 7 (a) - which allowed it to analyse the link between the problem of foreign debt and the enjoyment of human rights in the light of the right to development. His delegation considered it absolutely essential that Governments should be aware of the serious social consequences of the problem, and that international co-operation should be mobilized to find a solution.

59. Since the Commission's previous session, important studies had been undertaken; they had shed light on the problem of indebtedness, which was not only an economic and financial problem, but also a political one. His delegation particularly wished to highlight the report by Mr. Danilo Türk, the Special Rapporteur of the Sub-Commission, on the new international economic order and the promotion of human rights. The report's conclusions deserved the utmost attention, particularly those concerning the activities of the international financial institutions and the consequences of those activities for the realization of economic, social and cultural rights. The Special Rapporteur concluded that the solutions applied by those institutions did not take into account the real situation in the countries that were meant to apply them, and he had used Venezuela as an example.

60. In the UNICEF study entitled "The situation of children in the world", it was stated that foreign debt actually accounted for a larger proportion of the developing world's resources than that devoted to military expenditures, and that specific measures to protect the health, nutrition and education of children would not be enough unless they were accompanied by a solution to the debt problem. Finally, his delegation wished to refer to the Global Consultation on the realization of the right to development, which had been held in Geneva a few days earlier, and which had emphasized the link between respect for human rights, national stability and the promotion of international peace and security.

61. In conclusion, his delegation supported the recommendation that the Centre for Human Rights should co-ordinate the implementation of the right to development, and that each United Nations agency and programme dealing with development should have a centre for the right to development and human rights. That would be in keeping with the spirit of General Assembly resolution 44/62, which called upon the relevant bodies of the United Nations system to take into account the Declaration on the Right to Development when drawing up their programmes of activity. Finally, his delegation would be joining others in submitting a draft resolution on the consequences, for the effective enjoyment of human rights, of economic adjustment policies linked to foreign debt.

62. Mr. GONDOR (Hungary) said that his Government considered the relationship of States to international conventions and agreements to be a cardinal aspect of human rights. The fact that the Universal Declaration had been ratified by a very large number of States, whereas only a little over half of States Members of the United Nations had become parties to treaties, including the International Covenants on Human Rights, which laid down specific obligations in international law, led to the inevitable conclusion that the time had come

to conduct a study of the question. The international machinery for the protection of human rights could not function effectively as long as a large number of States refused to become parties to those conventions or to participate in those international mechanisms. Purely formal accession or the failure by a State to comply with its treaty obligations, or again violation of the provisions of a treaty, were of course also a cause for concern. His delegation therefore welcomed the appointment by the Secretary-General of an independent expert with the task of preparing a study on ways of enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments, and the appointment of a task force to study the computerization of the work of treaty monitoring bodies.

63. Generally speaking, the catalogue of human rights should be enlarged only on the basis of carefully considered decisions, with attention focused on new international legal instruments that were likely to help solve current problems or eliminate wrongful practices. In that respect, the rights of national, ethnic and linguistic minorities and religious groups should be codified as a matter of priority, since massive and flagrant violations of those rights were the cause of many present-day problems. National minorities should enjoy special rights for which there was as yet no provision in the international system of human rights. The Hungarian Government, particularly sensitive as it was to violations of the rights of national minorities and discrimination against them, would therefore like priority to be given to the work of the Commission on Human Rights Working Group on the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, in order to fill a gap in international standard-setting activities concerning human rights.

64. Since the Commission's previous session, the Republic of Hungary had witnessed radical changes towards further democratization and humanization of the State and the restoration of the rule of law, and they had already yielded tangible results in legislation.

65. In October 1989, the Hungarian Parliament had adopted a law amending the Constitution and providing, in particular, for incorporation into the legal system of the generally recognized norms of international law and for the conformity of domestic law with all international legal obligations, with emphasis on respect for and protection of the inviolable and inalienable fundamental human rights. The relevant constitutional provisions had been made more precise and comprehensive, one of them stipulating that no one could be subjected to torture, cruel, inhuman and degrading treatment or punishment; no restriction could be placed on that provision in any circumstances, even under a state of emergency. The new law also established a constitutional court and a parliamentary ombudsman. It further adjusted the provisions of Hungary's fundamental law concerning refugees to its international obligations. Finally, among the amendments to the Penal Code, it was now stipulated that no one could be sentenced to death for political acts.

66. With regard to the implementation of the provisions of international human rights instruments, the Republic of Hungary had acceded to the 1951 Geneva Convention relating to the Status of Refugees and its Protocol, and to the Additional Protocols to the 1949 Geneva Convention, on the occasion of the one hundred and twenty fifth anniversary of the Red Cross.

67. The Republic of Hungary considered itself bound by the individual complaint mechanism in respect of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The obligation to refer to a third party in the settlement of disputes had been recognized, and all previous reservations concerning the jurisdiction of the International Court of Justice had been withdrawn in respect of all international instruments to which Hungary was a party.

68. All of those changes had come about as a result of the recent social and political developments in Hungary.

69. Mr. NASTASE (Observer for Romania) recalled that his country had just emerged from a totalitarian régime and truly entered the course of contemporary history. The Revolution had enabled the nation to rediscover its dignity and the values which bound it to European and universal civilization. At the same time it had fostered dialogue and co-operation with all United Nations human rights bodies, and made the country more aware of the universal rules concerning human rights and of the activities of the United Nations, especially those of the Commission on Human Rights.

70. After years of dictatorship, Romania was in a difficult economic and social situation brought about by an autarchic, totalitarian and over-centralized régime. The former socio-economic partners must therefore be integrated in the country's new economy, with the welfare of the people as the prime consideration. The civilian and military population had paid a heavy tribute to the Revolution, and socio-economic life as a whole must now be reconstructed, but it was necessary to avoid over-hasty reforms that would place too heavy a burden on the economy, and to refrain from resorting to external resources before taking stock of the state of the country's economic and industrial structures. The recovery could only be slow and gradual and would involve social constraints which must be kept to a minimum.

71. In the immediate aftermath of the Revolution, the major concern had been to step up food, energy and fuel supplies to the people. Certain laws had been abolished and measures had been taken to assist industry, while the energy quotas allotted to the population, especially with regard to natural gas and petroleum products, had been increased at the expense of certain large consumers. Social measures had also been adopted in such areas as maternity leave, and other provisions with an excessively depressive effect on wages had been abolished.

72. In the field of human rights, about a hundred repressive or restrictive laws had been repealed or amended, such as the laws on land division ("systematization"), the decrees on farming activities and the law prohibiting foreign credit. Other legislative provisions prohibiting individuals from taking part in international life, such as the regulations concerning telephone calls to foreign countries, payment in foreign currency, international rail links and postal services had been abolished. With the introduction of the new system of passport delivery, all individuals now had freedom of movement and could possess a passport which they were entitled to keep, and a decree-law had been adopted on the subject of the repatriation of Romanian citizens.

73. The political pluralism that had been established meant the participation of all the creative forces of the nation in the construction of a modern society which must involve participation by the people. Some 30 political parties, as well as free trade unions and professional associations, had already been formed.

74. The new democracy was based on the equal rights of all citizens; the rights of persons belonging to national minorities were a constant concern; a law on the subject was to be passed in the near future and a ministry for minorities set up.

75. The draft electoral Act and the new Constitution would be the subject of a wide-ranging debate to ensure that the country's present needs could best be met, since the establishment of the political and juridical foundations of the State would be an important test for the fledgling Romanian democracy. The aim was to ensure the transition from a totalitarian society to a democratic society in which all citizens could effectively enjoy their economic, social and cultural rights. The friends of free Romania would appreciate the extraordinary effort the country must make to take its place in the democratic and civilized world as soon as possible.

76. Mr. SENE (Senegal) first commended the Secretariat for having organized in Geneva, from 9 to 12 January 1990, a broad-ranging exchange of views and experience on the theme "right to development and human rights" as part of a high-level Global Consultation with the participation of the Director General for Development and International Co-operation, the Secretary-General of UNCTAD, the representative of the World Bank in Geneva and numerous development specialists.

77. Since the concept of the right to development had become part of legal language even before being recognized as a reality, its assimilation to human rights still gave rise to controversy, despite the Declaration on the Right to Development contained in General Assembly resolution 41/128 of 4 December 1986. However that may be, it could be said that the right to development as a right to solidarity was one of the third generation human rights, encompassing civil, political, economic, social and cultural rights alike. The Working Group of Governmental Experts which had drafted the Declaration had drawn on Articles 1, 55 and 56 of the Charter of the United Nations and the Constitutions of many specialized agencies, the International Covenants on Human Rights, articles 22 and 29 of the Universal Declaration, the Declaration on the Granting of Independence to Colonial Countries and Peoples (1960), the Proclamation of Teheran, the Declaration on Social Progress and Development, one of the more specific instruments in that regard, but also the Declaration on the Establishment of a New International Economic Order (1974), which was called for by the developing countries, the UNESCO Declaration on Race and Racial Prejudice (1978), the Charter of Economic Rights and Duties of States (1974), and the resolution of 14 December 1962 concerning permanent sovereignty over natural resources.

78. The right to development continued to raise a great many questions and even to arouse disputes, for it was the tangible expression of the expectations of the vast majority of peoples on earth and of the right of every individual to a better life. It was therefore an extension of the right

to life. International development law did not have the same binding force as domestic law, and must adjust to the new challenges of the contemporary world. At the San Marino seminar on international humanitarian law, in 1972, President Keba Mbaye of Senegal had stated that the ultimate purpose of the right to development was to introduce justice and law into the economic order, transforming "aid-as-charity" into "aid-as-an-obligation", and to highlight the responsibility of the Governments of the developing countries in the development process.

79. Global relations calling for greater equity at the international level were inseparable from the problems arising within each national community. In many respects, the United Nations bore the responsibility for implementing the right to development, seen as the realization of social ideals concerning life, progress, peace and justice, taking into account the diversity of cultures, which were mutually enriching. Development could only be realized in a context of peace conducive to the mobilization of all resources to foster economic growth, social well-being and respect for human rights. Conversely, those conditions could not be created without an improvement in people's material circumstances, which only development could provide. Development must therefore be aimed at promoting the human being within his own social environment and enhancing his personal spiritual, moral and material development. It was by no means merely a question of making up for lost time, but was a state of mind, the successful transition by a country to a new way of thinking and acting in the context of international relations.

80. A development effort brought about in a disorderly and abrupt fashion or imposed from the outside could only disrupt peoples' lives and result in their being uprooted or marginalized or left to stagnate, all of which would lead to despair, distress and instability, and thus undermine respect for human dignity. On the contrary, all must be able to enjoy the fruits of development and equal opportunity so that peoples could participate in decision-making on the course of their development and improvement of their living and working conditions, in justice, freedom and solidarity.

81. In matters of regional co-operation, one saw that the legal instruments in force demonstrated the full extent of the concerns raised by development issues. According to article 2 of the Charter of the Organization of American States, adopted as long ago as 1948, one of the purposes of the OAS was to promote, by co-operative action, economic, social and cultural development. In the same year, the American Declaration of the Rights and Duties of Man provided that it was the duty of every individual so to conduct himself in relation to others that each and every one might fully form and develop his personality. The African Charter on Human and Peoples' Rights was very explicit about the right to development, in preambular paragraphs 3, 4, 6 and 7. Its article 22 provided, moreover, that all peoples had the right to their economic, social and cultural development with due regard for their freedom and identity, and in the equal enjoyment of the common heritage of mankind. It provided that States had the duty, individually or collectively, to ensure the exercise of the right to development.

82. The European Convention on Human Rights (1950) was less explicit on the subject, but the Convention of Lomé, concluded between the EEC and the African, Caribbean and Pacific (ACP) States, provided a testing-ground for the

right to development as a human right in the context of North-South relations. Associating the requirements of development with those of human rights, it assigned to co-operation the objective of promoting the ACP States' social and economic progress and the well-being of their populations through the satisfaction of their basic needs and the enhancement of people's capacities, with respect for their dignity.

83. On the subject of the right to development, Mr. Cheysson, former Minister and member of the Commission of the European Communities, had said that it was a right that must be recognized as being complementary to the rights of individuals and that it had been recognized by many as being the fundamental right. It was the right of a community to build and consolidate itself and it was the right of individuals to a future set on a forward-moving course.

84. When taking stock of the past decade, the participants in the recent Global Consultation in Geneva (9 to 12 January 1990) had raised the question of the realization of the right to development as a human right. In the area of development strategies, it was undeniable that there had been some positive achievements despite the relative shortage of resources. However, as far as many countries were concerned, the obstacles seemed to loom ever larger as endeavours were made to overcome them. It was difficult to assess the magnitude of the real needs of countries which had not yet really reached the "take-off" stage. During the consultation, some experts had even pointed to cases of collapsing social structures, loosening bonds of solidarity, the brain drain and various other effects of social disintegration.

85. A number of questions such as the participation of women in development, the situation of indigenous peoples, the rights of the child, the protection of the most deprived groups, the struggle against poverty, environmental protection, population and the prevention of natural disasters had been the focus of particular attention by the participants.

86. The participants had recommended concerted action, on the part of the competent bodies, on such matters as the resources available to finance development, debt, trade, commodities, energy, food, the transfer of disarmament technology, employment, education and communication, with a view to reactivating the world economy.

87. The obstacles to the right to development most frequently cited included massive violations of human rights such as apartheid, racism, the oppression of minorities and religious or ideological intolerance. Aggression, foreign occupation, denial of the right to self-determination, political repression, torture and terrorism were denounced, and reference was made to drugs, hunger, illiteracy, the development of AIDS and, finally, the arms race.

88. The urgent need to reduce poverty as a source of tension and frustation incompatible with the promotion of human rights and the right to development had been recognized. The experts had described the new trends emerging from recent developments in the world economy, and had expressed the view that the right to development should be taken into consideration in structural adjustment projects. procedures for debt repayment and regional integration. The Centre for Human Rights, the Economic and Social Council and the General Assembly must see to the implementation of the Declaration on the Right to Development. That right must form the basis of all negotiations on

the improvement of international economic structures; meanwhile, nothing could be achieved without the political will to change the rules of the world economic system by peaceful means. In the final analysis, the right to development was part of the global process of economic, social, cultural and political progress.

89. Affirming the right to development should make it possible gradually to put an end to injustice in international economic relations, and, by the same token, to the scourges of hunger, disease and illiteracy throughout the world.

90. Mrs. MOLINA (Deputy Secretary of the Commission) informed the Commission that it had not been possible to distribute the report of the Director-General on the "effective functioning of bodies established pursuant to United Nations human rights instruments" (E/CN.4/1990/39) in all the languages within the scheduled time-limit or as widely as the Secretariat would have wished, on account of the limited resources available to the Centre for Human Rights and the Department of Conference Services.

The meeting rose at 6.10 p.m.

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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 9 February 1990, at 10 a.m.

Chairman:	Mrs. QUISUMBING	(Philippines)
later:	Mr. DITCHEV	(Bulgaria)

CONTENTS

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

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CONTENTS (continued)

(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms;

(c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights

Question of the realization of the right to development

Status of the International Covenants on Human Rights

Effective functioning of bodies established pursuant to United Nations human rights instruments

The meeting was called to order at 10.15 a.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 7) (E/CN.4/1990/8 and E/CN.4/Sub.2/1989/19)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (E/CN.4/1990/9 (Part III), E/CN.4/1990/33; E/CN.4/1990/NGO/18 and E/CN.4/1989/10)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (E/C.12/1988/1; CCPR/C/2/Rev.2 and A/44/441)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (E/CN.4/1990/39 and A/44/539 and /668)

1. Mr. KOUTCHINSKI (Ukrainian Soviet Socialist Republic) said that the International Covenants were basic documents in the field of human rights, recognized everywhere as a reflection of world civilization, and should be further promoted. The Commission should renew its call to all States which had not yet done so to ratify or accede to them.

2. The Commission was meeting at a time when many countries were undergoing social renewal, with aims consistent with the ideals embodied in the Universal Declaration of Human Rights, to which the International Covenants on Human Rights gave legal expression. It had become recognized that all rights, whether civil and political or economic, social and cultural, were indivisible.

3. There was a growing trend towards fruitful international co-operation in giving effect to them, as could be seen from the Final Document of the Vienna Meeting pursuant to the Conference on Security and Co-operation in Europe. If a consensus was possible, in the mosaic of European ideological, social and political systems, in seeking to bring about a "common European home", nations in other regions could surely collaborate also with a view to far-reaching implementation of the International Covenants.

4. His Government was making considerable efforts to correct past errors committed as a result of the Stalinist concept of the "responsibility" of entire nations for the deeds of a few individuals. For example, a programme was being developed for the gradual return of the Crimean Tartars, as well as other measures, including legalization of the Catholic Church, so as to align the legislation of the Ukrainian SSR with the international standards set forth in the Covenants.

5. The adoption by the General Assembly of a second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of capital punishment, was a further measure to assert the basic human right to life. Likewise welcome was the Assembly's adoption of the Declaration on the Rights of the Child. Those measures would boost the work of the Commission and relevant working groups on further draft declarations and enhance the world standing of the International Covenants on Human Rights.

6. The importance of realizing the right to development had been confirmed by the Commission in its resolution 1989/45. As stated in article 1 of the Declaration on the Right to Development, by virtue of that right everyone was entitled to participate in economic, social, cultural and political development, in which all human rights and fundamental freedoms could be fully realized. It was a right to be enjoyed both individually and in common with others, and States should do their utmost to give effect to it.

7. In that connection, the report on the global consultation on the realization of the right to development (E/CN.4/1990/9), showed that the consultation had been a positive step. His delegation fully shared the view, reflected in the report, that the right to development was directly linked to the right to self-determination and necessarily involved popular participation. Especially noteworthy was the conclusion that the right to development could be realized only in conditions which adequately protected the environment.

8. His delegation attached the highest importance to the observance of conditions which respected every country's national interests, including each country's right to determine its future and the use of its natural resources.

9. Mrs. BEYELER-VON BURG (International Movement ATD Fourth World) said that, in all the great cities of the world, there were slums and shanty towns where millions of children and families and whole population groups lived an insecure existence. Father Joseph Wresinski who had dedicated his life to making the international community aware of the most disadvantaged, emphasized that it was important to regard the poor not as mere recipients of aid, but as men and women in their own right, whose ideas and experiences were essential to an understanding of the interdependence and indivisibility of human rights.

10. A resolution calling for a study of extreme poverty and social isolation was indeed an urgent task, given the intolerable conditions imposed on the poorest of the poor in all countries. To undertake such a study would be an act of justice, provided that it was carried out in partnership with the people concerned. Otherwise, people living in extreme poverty would be unable to defend themselves against the erroneous and pessimistic assumptions which

had been made about them over the years. She urged the Commission to incorporate the concept of partnership with the poor into the resolutions which it was to adopt.

11. Mr. EMERY (International Federation of Human Rights) said he wished to draw attention to the problems impeding the full realization of the economic, social and cultural rights of the Kurdish people.

12. In Turkey, any expression of Kurdish identity was prohibited by law, including the use of the Kurdish language. Kurdish-language films and books had been banned and individuals had been imprisoned for writing about Kurdish society, history and literature. A public official (an elected mayor) had been gaoled for speaking Kurdish to his constituents, who knew no other language.

13. In Iraq, where Kurdish books of a political nature were prohibited, Kurdish writers, musicians and poets were systematically persecuted, and several of them had been assassinated. Kurdish-language schools had been closed, and some had been bombed, with numerous fatalities.

14. There were no longer any villages in Iraqi Kurdistan. According to various witnesses, even the ruins of the villages had been razed by bulldozers. Vegetation had been largely destroyed by defoliants and sources of water had been covered with concrete. Livestock had been confiscated or slaughtered on the spot. All medium-sized Kurdish towns and villages had been evacuated and destroyed by the Iraqi Government as a matter of policy.

15. The populations of the destroyed cities and villages had been deported in massive numbers. They were transported in military vehicles to regroupment camps, where they had no means of livelihood and were dependent upon subsistence allocations from the authorities. The Kurds living in the regroupment camps was estimated at between 1 and 2 million. Thus, the Kurdish peasants, whose livestock-raising and agricultural activities had enabled Iraq to be self-sufficient in food production, were reduced to the status of welfare recipients.

16. Since the 1960s, the Syrian Government had prohibited all forms of expression in Kurdish. Education in Kurdish was prohibited. From 1985 onwards, shootings and arrests of Kurds by the Syrian security forces had occurred every year on the Kurdish national day. Kurdish property had been confiscated and given to bedouins. The Kurds had been stripped of their citizenship, and their identity cards taken from them. Kurdish students could not enter a university and Kurds could not participate in government at any level.

17. Syrian Kurdistan was underdeveloped in comparison with the Arab parts of the country; there was little investment or industry and unemployment was high. The economic, social and cultural rights of the Kurdish people would continue to be flouted so long as there was no real recognition of its right to exist and to enjoy autonomy.

18. Mr. GUNN (International Commission of Health Professionals for Health and Human Rights) said that he wished to underscore the health implications of the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights.

19. His organization had particularly noted the political, economic, social and military necessities which prevented some Governments from fully implementing their responsibilities under article 12 of the Covenant, which guaranteed a sufficient and adequate level of services and health care, especially for mothers, children and the infirm. Serious obstacles to the achievement of those aims still remained, and it was in that context that the World Health Organization (WHO) had elaborated its plan for primary health care. The international objective of "Health for all by the year 2000" had been universally adopted by all countries, and was being promoted on all continents by individual Governments and by the regional offices of WHO.

20. For its part, his organization, believing as it did that non-governmental organizations had an obligation to co-operate for the implementation of the International Covenant on Economic, Social and Cultural Rights, had been working actively to support the WHO programme, especially through a series of seminars it had organized in Africa.

21. There were many obstacles to the full implementation of article 12. Some developing countries could afford only a minimal portion of their national budget for health care. However, considerable efforts were being made in primary health care centres to incorporate elements of traditional healing practices, and other new approaches in order to meet the needs that existed.

22. His organization deemed it important to examine all the impediments to progress in the implementation of article 12, and would continue to co-operate with the Commission and WHO in that area. It would, for example, put forward suggestions for implementing indigenous health care, making better use of traditional healers and their practices, promoting health care at the primary level, developing an indigenous production of medicines and further educating the population, especially in the rural areas, about the right to health.

23. The right to health was a right to be earned as well as granted. Many people in the least advantaged areas of the world were being mobilized by the United Nations to know their rights better and implement them more fully.

24. People in the developing countries needed assistance, although they did not always ask for it. Much could be done through international solidarity to promote human rights in the health sector and he asked the Commission to consider what measures could be taken to facilitate the task of national and international health-related organizations working for human rights.

25. Ms. SIMONOTTI (International Association against Torture) said that she considered agenda item 7 to be particularly relevant to her organization's purposes. Any violation of economic, social and cultural rights and the right to a life with dignity constituted a form of torture of individuals, peoples and nations, and made the full enjoyment of civil and political rights impossible.

26. The existing unjust economic order was increasing on a daily basis the pauperization of already poor countries. Countries were forced to continue escalating their indebtedness in order to survive. That led to a large concentration of capital in the countries of the North, thus increasing their economic power, which was reflected in massive and flagrant violations of human rights. The current détente was limited to East-West relations, ignoring the North-South dimension, and that made for an unstable peace.

27. The debt problem could not be resolved solely through the application of legal rules, since human rights had a higher priority. The demand for compliance with agreements at the cost of sacrifices which resulted in human rights violations meant that such agreements lost their enforceability. Accordingly, the international community must devise formulas which could allow for a solution on terms of justice, equity and human solidarity.

28. It would be difficult to overestimate the impact of the debt problem on the enjoyment of human rights. So long as adequate solutions had not been found, the Commission should continue to study the negative impact of the problem, not in a spirit of confrontation between debtor and creditor countries, but with a view to building a new society characterized by absolute respect for the human person.

29. Human rights could not be regarded as the privilege of certain groups of peoples. She had noted with concern that the East-West détente was being viewed solely from an economic perspective which, if it prevailed, would lead to a worsening of the human rights situation in the so-called "developing world".

30. In the name of the law, the debtor countries were being forced to violate the human rights of their inhabitants. The fixing of unfair prices for their commodities and the provision of technical assistance which, with a few exceptions, was based on commercial rather than ethical considerations, was fanning the flames of internal conflicts in the developing countries.

31. It was necessary, in particular to support the new democracies faced by huge debts which generated poverty, underdevelopment and the transfer of capital to creditor banks.

32. Her organization was convinced that a highly destructive situation such as that which existed in the South contained within itself an explosive force that would inevitably lead to the destruction of the planet. The world could not continue to protect the privileges of a minority against a majority which was doomed to premature death.

33. She noted with satisfaction that the Commission had included in its agenda the problem of external debt, a problem which required the application of principles embodied in the International Covenant on Economic, Social and Cultural Rights. She welcomed the fact that the Committee on Economic, Social and Cultural Rights had, at its recent session, discussed topics such as the external debt, drug trafficking and terrorism, since the enjoyment of human rights required new solutions to new challenges.

34. In view of the level of indebtedness of the developing countries, it was essential to act on the basis of real international co-operation, beginning with the cancellation of the debts and the necessary changes in international economic policy. In that way, the countries of the South could move towards the achievement of their fundamental human rights and a harmonious balance between civil and political rights and economic, social and cultural rights.

35. Mr. BARSH (Four Directions Council) said that one of the indigenous peoples that made up the Four Directions Council - the Mikmaq Grand Council - had taken the step in 1987 of ratifying the two Covenants in the belief that an indigenous people could not appeal to international human rights bodies

unless it was prepared to respect human rights standards itself. The United Nations did not record the Mikmaq instrument of accession, because the Mikmaqs were not considered a separate State, but the Mikmaq Grand Council had filed its first report on economic, social and cultural rights in 1989 (E/CN.4/1990/NGO/43), and he invited the Commission's comments thereon.

36. The preparation of that report had given the Four Directions Council insights into a number of shortcomings in the reporting system. Six periodic reporting systems were currently in place and a seventh was to be established. It took more than 20 weeks of fully serviced meetings per year simply to allot each of those reports a few hours for a cursory review; that was more time than was used by the Sub-Commission and the Commission combined. All reporting systems were in arrears, more than half of all reports being overdue.

37. A number of conditions must be met for the reporting system to be effective: State reports must be prepared on the basis of genuine internal studies of human rights conditions, in co-operation with organizations of the most vulnerable and affected groups; non-governmental organizations, both within the country and before the supervisory committees, must actively participate in reviewing and responding to the report; considerably more attention must be paid to concrete information of a statistical or observational nature, rather than to legal texts; adequate time and technical capacity must be provided for committees to study reports in depth and to obtain specific answers to questions at the same session; supervisory committees must give explicit recommendations for further State action to correct apparent problems; the report and the views of the supervisory committees must be fully disseminated within the country concerned to stimulate a public response.

38. As things stood, few if any of those conditions were met, and meeting them would require a large increase in staff resources for the supervisory bodies, greater openness on the part of Governments and more courage on the part of the supervisory bodies themselves. Lack of openness was not simply a problem of repressive régimes. At recent sessions of the Committee on Economic, Social and Cultural Rights, for example, the representatives of Argentina and Canada had been questioned extensively on inconsistencies between their reports and the information transmitted by indigenous peoples' organizations.

39. The Four Directions Council was sceptical about the adequacy of a number of steps proposed to improve the functioning of treaty bodies, such as computerizing files, providing more training and technical assistance on the drafting of reports to Governments and adopting consolidated guidelines for the introductory chapters of reports. The logical next step would be to combine all periodic reports into a single format, with each State submitting one comprehensive report on all its legal obligations every four or five years; a document that could then be reviewed by all the treaty bodies. Such measures might expedite the current procedure, but did not indicate whether such reporting worked or whether it changed the behaviour of States.

40. His delegation was much concerned about the increasingly overloaded human rights communications procedures. Pursuant to the procedure under Economic and Social Council resolution 1503 (XLVIII), the Centre for Human Rights had received some 200,000 communications in 1989, which had to be handled by three

professional staff members. There were also some 140 Optional Protocol cases pending before the Human Rights Committee, which were being examined by two professional staff members. Both streams of communications increased every year, leading to inevitable delays and inaction. The credibility of the communications procedure was in jeopardy.

41. There was an obvious need for more staff resources if the communications procedure was to be effective. Follow-up procedures must also be developed to ascertain whether States parties were implementing the views of the Human Rights Committee. In a case involving indigenous people in Canada, the Committee had given its views in 1981, and the Government had amended its laws in 1985, but indigenous Canadians believed that the amended versions were also incompatible with the Covenant. However, there was no established way of bringing that problem before the Committee other than that of starting all over again with a fresh communication.

42. Before embarking on further reforms of the human rights machinery, it was essential to agree on objectives and to assess the usefulness of existing approaches to meet them. The number of reports discussed or communications processed said nothing about effectiveness. There was a fundamental flaw in the current approach.

43. Human rights implementation could not be strictly legalistic, and abuses were rarely symptoms of ignorance or maliciousness on the part of Governments. Rather, they reflected problems in the distribution and use of economic and political power in society. Before appealing to a Government to correct human rights abuse, it was essential to understand how power in the country was actually distributed, who the critical actors or groups were, how economic and political relations among them were manifested in conflict and in human rights abuses, whether the underlying causes of conflict could be addressed through the development process and whether the existing régime was truly in control and capable of peaceful change.

44. Recent events in many parts of the world, including eastern Europe, had shown that there must be some internal process of mobilization for real change to occur. The international community could reinforce those processes by giving them recognition and visibility. Even more crucially, the international community could discipline its economic relations with the country concerned in such a way that concentrations of power and wealth were eroded, the poorest sections of society were strengthened and the Government was deprived of some of the means to suppress opposition. For that kind of international support to be organized, however, United Nations activities in the field of human rights must be linked at every level with the development and economic programmes.

45. The United Nations had been offering only symptomatic relief to the victims of human rights abuses. As long as analysis and action failed to address more basic, internal processes of change in economic and political life, no true progress would be achieved.

46. Mrs. de LEON ESCALER (Philippines) said that her delegation agreed with the suggestion made in the preliminary report by the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19) that the Commission should focus on the harsh realities in specific developing countries - like the Philippines - in order to respond to the crucial questions relating to the realization of economic, social and cultural rights, including the right to development.

47. At its forty-fifth session, the Commission had given close consideration to the problems of extreme poverty and structural adjustment, which were directly linked to the realization of such rights, and her delegation agreed with the Special Rapporteur that particular attention should be devoted to the economic conditions of the heavily indebted developing countries that were facing structural adjustment problems.

48. The Philippines adhered to the principle, which was the very substance of democracy, that all human rights, whether civil, political, economic, social or cultural, were indivisible. That totality was what constituted the right to development. Thus, the era of a human rights hierarchy was over, and a unified approach must be sought. The Declaration on the Right to Development provided an excellent conceptual, legal and practical framework for such an approach.

49. The painful truth was that approximately 950 million people were living in abject poverty in Asia, Africa and South America, deprived of their basic human dignity. At least half a million young children had died in 1989 as a result of the reversal of progress in the developing world. In the Philippines, it had been estimated that more than one child died every hour as a result of that country's onerous debt and economic burden.

50. Liberation from the bondage of debt was not only a technical problem; more importantly, it was a moral dilemma, and her delegation wondered why children who had nothing to say about accruing the debt had had to bear the greatest burden of its payment and why the poorest countries had to transfer resources to the richest countries.

51. The total debt of the developing countries was approaching 1 trillion dollars, and every year, the countries of the South were exporting 20 billion dollars more than they were receiving from institutional creditors. Most of those countries serviced their debt with an average of 25 per cent of their export revenues, some sub-Saharan African countries sacrificing up to 50 per cent of their earnings.

52. The debtor countries had lost a decade of development. Average earnings had fallen by 10 to 25 per cent in the 1980s. UNICEF estimated that a 2 to 3 per cent decline in the national income of the developing countries resulted in a drop of at least 10 to 15 per cent in the income of the poorest classes. Clearly, structural adjustment programmes weighed most heavily on those who had the least.

53. A common feature of structural adjustment was a required reduction in Government expenditure by as much as 50 per cent in the poorest countries. In the Philippines, 44 per cent of the national budget went to debt servicing in 1989 and the International Monetary Fund (IMF) and the World Bank had sought to cut 34 billion Philippine pesos from the national budget of 1989-1992, to the detriment of education, health, agriculture, security and the like.

54. Over 70 countries were currently struggling to meet such structural adjustment programmes prescribed by IMF and the World Bank, which, by their very nature, addressed only short-term balance-of-payment questions and not development in any real sense. The evidence showed that such short-term policies had given rise to serious problems in a number of developing countries, problems which adversely affected the realization of economic, social and cultural rights.

55. Her delegation was encouraged by the growing awareness by IMF and the World Bank of the importance of improving such policies to meet the needs of the heavily indebted developing countries. Her people was also conscious of the ultimate responsibility borne by the Governments of such countries. Despite the crushing debt burden, President Aquino had declared a war on poverty, particularly for the lowest 30 per cent of the population, which was unable to await the restoration of macro-economic order in the national and international economies.

56. The United Nations human rights bodies could take a meaningful step by making the effects of debt and structural adjustment policies a fundamental human rights issue. The Commission must assist in bringing about a genuine release from extreme poverty and underdevelopent for the people of the heavily indebted countries. The respect and promotion of the rights of the poor should be the most important principle promoted by Governments and international institutions. It was time to go beyond the dichotomy between economic and social policies, which had prevented the promotion of human rights in their totality. The interminable negotiations on debt, trade and development must be imbued with the same purpose that characterized deliberations on civil and political rights.

57. Before calling, however, upon the international financial institutions and commercial banks to end the dichotomy between economic issues and human rights, the United Nations must first improve its own sometimes disjointed approach to human rights issues. Her delegation intended to start that process by sponsoring, in the Commission, draft resolutions on human rights and extreme poverty; on global consultations concerning the right to development as a human right; on the enjoyment of human rights and the economic adjustment policies arising from foreign debt; and, in particular, on the implementation of the Declaration on the Right to Development.

58. Mr. ABRAM (United States of America) said that few functions of the State were more important than the protection of the economic, social and cultural welfare of its citizens. No Government could call itself the guardian of a just society unless it educated its young, cared for its old, healed its sick and helped those who, through no fault of their own, could not make ends meet. Those economic and social goals were the common standard of achievement for all peoples of all nations, but they were not a substitute for the fundamental guarantees of individual freedom.

59. There was an oft-expressed assumption that so-called economic rights were the equivalent of political and civil rights, and some even argued that political liberties should be abridged or sacrificed in order to build the economic and social foundation upon which political and civil rights were said to rest. But individual rights were not just luxuries to be enjoyed only by citizens of wealthier nations and to be denied as an additional burden on the poor. No Government could legitimately claim to represent the will of its people if it did not protect fundamental political and civil rights, which, far from being an impediment to development, were essential to human dignity and the achievement of enduring economic and social progress.

60. Civil and political rights were prohibitions against the State's abuse of its citizens, and they were achieved the instant the Government ceased to abridge individual liberties. Economic goals were not, however, realized the moment the State stopped infringing individual liberties; indeed, it is not

clear whether those goals would ever be reached. Governments could not create wealth, because wealth was not the product of taxation, redistribution or spending, but rather of work and persistence. Governments could, however, create the conditions that would enrich a nation by encouraging a society that rewarded initiative and effort.

61. The evidence supported that observation. Some democracies that lacked natural resources none the less produced great wealth; other nations, which had abundant resources but denied freedom, often languished in poverty. That strongly suggested a definite and positive correlation between freedom and national wealth.

62. There was an even more fundamental distinction between political rights and economic goals: political rights were essential to human dignity; they gave the individual the freedom to create, to express himself, to exploit his talents and to employ his ingenuity. Economic programmes might put food in his stomach, clothes on his back and shelter over his head, but they did not protect the individual's freedom to express himself, to disagree with his Government or to leave his State, nor did they protect him from torture or enslavement. Political rights challenged the will of the tyrant, and that was why tyrants tried to suppress them.

63. The right to adequate food, clothing, medical care, warm shelter and an abundance of rest and leisure could be secured with uniform equality for everyone in a prison. Nevertheless, men and women would always gladly exchange such security for freedom, despite all its attendant risks, uncertainties and economic inequalities. The ability to express one's own individual personality in society was the sole hallmark that distinguished human beings from all other creatures.

64. That was the first great lesson of the death of the Leninist model: nothing had more eloquently proven the point than the mass exodus from East Germany that had preceded the fall of the Berlin Wall. Most of those who had risked passage to the West had given up their State-owned flats, their State-sponsored employment and medical care, their worldly possessions and a fairly high standard of living. They had left their workers' paradise for a chance to succeed on their own or fail in the attempt. They had been willing to abandon the certitude of their economic entitlements for the vicissitudes of the free market and an open society.

65. Governments that "guaranteed" economic rights at the expense of political and civil freedoms ultimately delivered neither, because the wealth necessary to advance those goals was not the product of a command economy or a redistribution scheme, but rather the result of work, innovation and ingenuity. Societies that supported those efforts emboldened individuals to exploit their talents, to use their ideas and to exert their energies. When a society encouraged entrepreneurship and rewarded it by allowing individuals to enjoy the fruits of their labour, natural creative forces were unleashed that fostered personal economic and social development, which were the laudable goals enshrined in the Universal Declaration of Human Rights.

66. Representative democracy was best suited to the achievement of economic and social goals because it let individuals, rather than the State, decide how best to promote the social welfare; in other words, it was a political system that allowed the people to tell the Government what they needed, rather than a system where the Government told the people what they wanted.

67. Promoting the idea of an equivalence between economic rights and political rights was not without consequences. The danger existed that the endless expansion of rights would bring the whole concept of human rights into disrepute. Calling more and more things "rights" might have the effect not of making more and more things obligatory but of making nothing obligatory. It devalued the term to the point of worthlessness and distracted attention from fundamental human rights abuses.

68. The world was rich enough to rid society of famine, ignorance and disease and his Government was convinced that those goals were within sight. Government should be the partner, not the master, of development. It should allow individuals the breathing space to create the wealth necessary to achieve those goals. Representative democracy was the form of government most suited to their promotion, because it maximized men and women's social and economic capabilities.

69. Mr. PAGAC (Observer for Czechoslovakia) said that his country shared the view that the International Covenants represented a valuable part of the common treasury of human rights and fundamental freedoms. Unfortunately, only about half of the world's countries had become a party to both Covenants, and only about one third had acceded to the Optional Protocol to the International Covenant on Civil and Political Rights. Of course, the fact that a country had become a party to the Covenants did not mean that the relevant human rights standards were being observed there; his own country had been an example until quite recently.

70. The implementation of human rights on a global scale was a complex process which had seen setbacks as well as progress. The current developments in central and eastern Europe promised to bring improvements for hundreds of millions of people. Progress needed to be comprehensive, however, involving all categories of human rights, which formed a whole, the elements of which were interconnected.

71. The recent fundamental changes in Czechoslovakia were directly linked to human rights questions. A profound political crisis had culminated in extensive public disagreement with the policies of a régime that had failed to respect human rights; the subsequent changes had touched not only the political system but also the economic basis of the State. The country had embarked on a political régime based on people's participation in administration and the separation of the Legislative, Executive and Judicial Powers. A pluralist political system prevailed. The main change in the Constitution - abolition of the Communist Party's leading role and of the monopoly of Marxist-Leninist ideology - had been reflected in the emergence of many new political parties and a variety of differing, legally recognized social organizations. Trade-union plurality had become a topical question also.

72. One of his Government's long-term economic objectives was an open-market economy, which alone could raise living standards continuously and husband natural resources. The reforms would require democratic legislation; in the coming weeks it intended to put to the Federal Assembly a number of bills on freedom of association, assembly and the press, the right to petition, conscription, the acquisition and loss of citizenship, and other matters. A new constitutional law on political parties had already been adopted, and one on elections to the Federal Assembly was being drafted. A free ballot was to

take place in June 1990. The Criminal Law had already been partly amended, and further amendments, possibly including the abolition of capital punishment, were being prepared. Citizens would be free from prosecution for political and religious beliefs or for asserting their civil rights, and the role of defence counsel in legal proceedings was to be strengthened.

73. Czechoslovakia had subscribed to all the standards of the International Bill of Human Rights. It was preparing for accession to the Optional Protocol to the International Covenant on Civil and Political Rights, and intended to make a declaration under article 41 of that Covenant. It had officially requested membership of the Council of Europe and was prepared to become a party to the European Convention on Human Rights.

74. Monsignor MULLOR (Observer for the Holy See) said that development was a problem faced by all countries, but the ways in which it was viewed were many and at times contrasting. Delegations' interest in the topic continued to grow; but only three countries and 11 non-governmental organizations had so far replied to the questionnaire transmitted by the Secretary-General pursuant to Commission resolution 1989/45. The matter was possibly not one that could be handled by the Commission alone; as in the case of other basic rights, such as the right to freedom of religion and the rights of the child, a broad international dialogue was required if an acceptable legal instrument was to be devised.

75. Any precise formulation of the right to development must embrace all forms of want, reflecting moral and qualitative as well as material and quantitative values. The view had been expressed, in that regard, that the current tendency to proclaim new rights, while the old ones were still so flagrantly flouted in so many parts of the world and by so many Member States, seemed a dangerous one (E/CN.4/1990/33, p. 10).

76. The right to development should continue to receive the attention of the Commission and the Council, in the manner they judged most suitable; and the United Nations should promote a broad, in-depth dialogue aimed at defining and promoting, as with other human rights, basic concepts which could be universally accepted. There was an ever-broadening consensus on the approach which had made it possible for States to accept the Universal Declaration, sign the International Covenants on Human Rights and agree to intervention with regard to States which violated rights after having signed legal intruments to safeguard them.

77. To some extent, that approach was reflected in the idea that the underdeveloped peoples had the right to appeal to the developed countries for a greater share in the benefits of progress. The modern world constituted a whole of which human rights were an essential pillar. Between the notions of "fair intervention" and "fair participation" there were affinities whose analysis might one day help to promote the oft-mentioned "culture of human rights" whose full blossoming forth would undoubtedly require changes in outlook in every part of the globe.

78. Catholic doctrine on the right to development had been set forth in various Second Vatican Council documents, in the Encyclicals Populorum progressio and Sollicitudo rei socialis and in other documents. It had been one of the themes announced by His Holiness Pope John Paul II during his recent visit to five of Africa's most disadvantaged countries. His Holiness

had, *inter alia*, reaffirmed that all development effort must be focused on man, and that all men were called upon to participate in their own development and that of others.

79. None of the five countries visited by His Holiness had a permanent mission at Geneva or were represented at the Commission's current session, a fact which might indicate that there was a connection between underdevelopment and under-representation in certain international forums or at certain times. Such an absence was a silent invitation to the Commission to continue its dialogue and action to promote a better understanding of the concept and scope of the right to development.

80. *Mr. Ditchev (Bulgaria) took the Chair*.

81. *Mrs. MARKHUS* (Observer for the Libyan Arab Jamahiriya) said that the right to development was an extremely important issue for countries of all religions, social patterns and political ideologies. All persons were equal when it came to the human rights to life, education, housing, medical attention, freedom of opinion and participation in development. All rights formed an individual whole, and the fact that there were two International Covenants on Human Rights did not imply any priority of one set of rights over another.

82. Her delegation much appreciated the work carried out in preparing the documentation before the Commission in its current deliberations. The preliminary report of the Sub-Commission's special rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19) was logical and analytical; the issues raised therein reflected the varying approaches to the concept of human rights.

83. Despite possible differences in procedure which the formulation of the two International Covenants might suggest, all rights were surely interdependent, and discussion of the matters raised in the report should make it possible to bring the various viewpoints closer together. Her delegation endorsed the view, reflected in the report, that the full implementation of economic, social and cultural rights depended to a great extent on international co-operation, which should be encouraged.

84. Her delegation also supported the report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1989/10), considered at the Commission's previous session, which reflected the individual and collective dimensions of that right. The human person was both the means and the object of development. The latter required the freedom of every individual to participate in the process of alleviating poverty, hunger and deprivation, and the removal of all inequitable economic and social conditions.

85. The final report on the right to adequate food as a human right (E/CN.4/Sub.2/1987/23), although analytical and containing valuable recommendations, had omitted to point out that one major cause of hunger throughout the world was the rich developed nations' pillaging of the poorer countries' wealth and the frustration of the latter countries' Governments in their efforts to provide food for their citizens.

86. Her Government fully recognized the importance of human rights, having constantly suffered from colonialism, not only in its old forms but in new

guises such as unjustified economic sanctions, which were not only an obstacle to development but an unwarranted interference in a State's internal affairs.

87. Mr. BARKER (Observer for Australia) said that, in parallel with the work of the Committee on Economic, Social and Cultural Rights, there had been extensive discussion, on concepts and procedures, of the right to development, the most recent contribution having been the global consultation held at Geneva in January 1990 (E/CN.4/1990/9 (Part III)). The Commission also had before it the preliminary report of the Sub-Commission's Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19). Moreover, the Commission's deliberations would be the more significant in that it was expected to make a contribution to the forthcoming special session of the General Assembly on economic co-operation and to the preparatory work for the International Development Strategy for the Fourth Development Decade.

88. His delegation had long regarded economic, social and cultural rights as a vital part of United Nations efforts to improve the lot of mankind, and could not agree that one set of rights took precedence over, or was conditional on the achievement of, another set. The statement in article 1 of the Universal Declaration, that all human beings were born free and equal in dignity and rights, meant that the dignity of an individual depended not only on guarantees against arbitrary action by the State but also on the enjoyment of such rights as adequate food, clothing, housing and education.

89. The efforts to achieve economic, social and cultural rights and to realize the right to development were mutually complementary, and indeed, overlapped significantly. In developing a clearer idea of the role of the United Nations in helping to achieve those rights, it would be appropriate to draw on work already accomplished in the area of approaches to development and the experiences of developed and developing States in meeting the basic welfare needs of their citizens. The current problem was the lack of communication of ideas, date and experience between those bodies dealing with human rights and those working on development.

90. The International Covenant on Economic, Social and Cultural Rights required States parties to take an active role in helping to bring about the achievement of those rights. An element of the role of States was that Governments were obliged to work together to achieve the full realization of human rights. His delegation was very conscious of the difficult economic environment for developing countries in many parts of the world and of the need for international co-operation to improve that situation. However, he did not believe that it was legitimate to use the shortcomings of collective co-operation as a pretext for the suppression of basic freedoms or as a smokescreen for policies which did not provide the minimum level of well-being for the most disadvantaged groups.

91. It had been observed that there was a minimum threshold of economic, social and cultural rights to which all persons were entitled. It was not always possible to specify where that minimum level lay. The evident criteria included those human rights which must be taken into account in order to provide the opportunity to live a life equal in rights and dignity. The focus on minimum acceptable levels led to the conclusion that, in examining economic, social and cultural rights and the right to development, attention should be directed at those who were worst off, including those in disadvantaged minority and indigenous groups and those suffering extreme poverty.

92. The interrelationship among different types of rights was neatly analysed in the preliminary report of the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19). The role of the State in guaranteeing conditions in which all could enjoy such rights did not necessarily mean that the public sector had directly to supply minimum levels of housing, food or other needs. Economic and social rights could often best be safeguarded through non-interference by the State in the free use of individually owned resources.

93. The implication was that economic or narrowly-defined welfare considerations could not justify the systematic repression of fundamental liberties, such as freedom of expression and association, and any such efforts were bound to fail. Fundamental civil and political rights must not be treated as a "luxury" which countries could afford only after achieving adequately high standards of living.

94. In his delegation's view, the Committee on Economic, Social and Cultural Rights had made a reasonable start to its work although there were several areas where the Committee itself had identified the need to improve procedures. The first of those concerned the periodic reports by States parties. The Committee had agreed that the existing guidelines for States parties' reports needed to be more specific and to be given more attention by those preparing reports. Specificity and succinctness would help not only the Committee but also the task of the Governments in preparing reports. There was scope, in that connection, to use advisory services to assist those Governments which lacked resources, expertise or experience therefor.

95. Another area where reporting could be improved was by identifying benchmarks to measure progress in achievement of the rights set out in the Covenant. As rights such as education for all and enjoyment of the highest attainable standard of health were progressively achieved, the Committee needed a picture over time of progress towards achievement of goals. Some of those policy goals would not lend themselves to quantification but others, such as public housing or access to schooling, could be expressed more precisely. An important element of the reports would be identification of the obstacles encountered. A second crucial element would be to focus on the effect of economic and social policies on disadvantaged groups.

96. With regard to useful indicators of progress, various proposals had emanated from the global consultation on the realization of the right to development (E/CN.4/1990/9 (Part III)). The Committee could itself propose indicators but it would also be useful for the Commission, the Economic and Social Council, and other interested bodies to contribute to the process. It was clear that literacy levels, life expectancy, malnutrition rates and other "state of life" indicators should be a necessary part of the reports of States parties. In some cases, it would also be useful to include indicators of the means to realize rights, as distinct from indicators of realization of the right. An example would be access to primary, secondary and tertiary education.

97. The identification and subsequently the provision of information on progress made in realizing the rights of the most disadvantaged groups might seem a little challenging but abundant information existed in the United Nations system through the data held by operational bodies such as UNDP and UNICEF.

98. To ensure the success of the dialogue-based approach fostered by the Committee on Economic, Social and Cultural Rights, States parties needed to think carefully about the nature and content of their reports and be represented in the Committee by persons in a position to conduct a meaningful dialogue.

99. One major problem in the early experience of the Committee was the unsatisfactory level of interaction between it and major United Nations economic bodies, specialized agencies and international financial institutions. The goal should be a unified United Nations approach to the realization of all human rights. Much remained to be done before a satisfactory level of integration of the human rights debate and operational work was achieved.

100. In their day-to-day work, United Nations bodies involved in economic and social development could do much more to ensure that their activities were fully consistent with the enjoyment of human rights. International agencies ought to be fully conscious of standards of non-discrimination against individuals or groups, of freedom of movement and association, and of the minimum requirements in terms of human rights of all individuals to the basic necessities of life. His delegation would support efforts by all United Nations bodies to see their task in terms not only of economic growth and other broad macro-economic objectives, but also of promoting the full range of human rights.

101. One interesting proposal in the report on the global consultation was the idea that human rights impact statements could be prepared for development co-operation activities. It might be useful, as an initial step, to request the Secretary-General, in consultation with Governments and other interested parties, to consider what basic elements should be included in such impact statements. In his delegation's view, they should cover the full range of rights in the International Covenants on Human Rights. His delegation would also be interested in obtaining the views of the forthcoming meeting of the presiding officers of human rights monitoring bodies on how their work could be more effectively integrated with that being done in other areas of the United Nations.

102. Mr. HAMDAN (Observer for Lebanon) said that nearly 20 years previously, a human rights conference held at Teheran under United Nations auspices, had declared that the widening gap between the developing and rich countries was impeding the realization of human rights in the international community. The failure of the Development Decades to achieve their modest objectives in the human rights field made it incumbent on every State to make every effort to bridge that gap, which was continuing to widen. His delegation therefore agreed with the Special Rapporteur's statement in his report (E/CN.4/Sub.2/1989/19) that any discussion of problems relating to the realization of economic, social and cultural rights should begin with a discussion of poverty.

103. At a recent meeting at which changes currently taking place in some parts of Europe had been reviewed, it had been agreed that no genuine societal development would be possible without genuine democracy. Some participants had rightly asked how a person who was unable to write his name or earn his daily bread could understand his economic, social and cultural rights in order to claim them. Ignorance, poverty and want were incompatible with the

international efforts being made to meet the aspirations to achieve democracy and to enjoy human rights. His delegation believed that any discussion of the factors underlying such poverty should not be based solely on immutable economic and social premises. Account must also be taken of the detrimental effects of poverty on psychological well-being and moral values.

104. Although States had an obligation to implement the provisions of the International Covenants On Human Rights independently of any increase in their resources, it must not be forgotten that international economic interdependence, which had been intensified by rapid technological advances, made it impossible for States to pursue their own development policy in isolation from those rapid developments. It was clear, therefore, that the full realization of economic, social and cultural rights depended largely on international economic co-operation.

105. The most important aspect was not concerned with the provision of assistance, grants, programmes or training but with the transfer and equitable distribution of international wealth.

106. It might be possible to conceive of a world without arms in which the tremendous amounts expended on armaments would be diverted to the funding of economic development projects in the poor developing countries. The time had perhaps come for Member States to consider the positive aspects of international détente and the promotion of genuine peace. Human rights, including economic, social and cultural rights, were merely a means of achieving the common aim of peace and human well-being.

107. Lastly, he wished to draw attention to the thousands of human beings in East Beirut who lived in shelters without food or water and were dying by the dozens every day. He stressed the right of those people to the enjoyment of all human rights and the need for the Commission to take a position stressing their suffering and tragedy and according them all the priority they deserved.

108. Mrs. Quisumbing (Philippines) resumed the Chair.

109. Mrs. FAUCHERE (World Confederation of Labour) said that, according to the Declaration on the Right to Development, individuals, groups and peoples had the right to participate in, contribute to, and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms could be fully realized.

110. A harmonious development could be achieved only if all those rights, which were indivisible and interdependent were realized. In fact, however, none of those rights was really implemented in most countries of the world. The inequalities in the enjoyment of human rights and fundamental freedoms had worsened, a situation which had enabled the rich to become richer, made the poor even poorer, and led to an increase in social problems, deliquency and violence. Millions of persons lacked housing, water, education and health services. For example, the average standard of life in Mexico had declined by nearly half in real terms in seven years. Hunger riots in Venezuela and Argentina in 1989 had led to violations of the fundamental rights of persons and populations.

111. Many Governments violated articles 19, 20 and 21 of the Universal Declaration of Human Rights and article 8 of the International Covenant on

Economic, Social and Cultural Rights, for a variety of reasons. Governments of developing countries were reluctant to allow their citizens to enjoy the rights recognized by various international human rights instruments, preferring to rule despotically and to maintain them in ignorance. Quite frequently, their leaders used the funds intended for development to indulge in speculation and to increase their foreign bank accounts. There was also the dramatic drop in the prices of most commodities, which led to an equally dramatic drop in the income of scores of developing countries and a deterioration in the terms of trade.

112. Not satisfied with fixing the prices of certain commodities at a very low level, the industrialized countries were increasing their protectionist measures. After calling on the countries of the third world to open their frontiers, some developed countries tended increasingly to close their own. The establishment of regional markets such as that of the United States, Canada and the European Economic Community strengthened that trend even further.

113. Furthermore, incorrect development policies had been applied so far, since the intention had been to transpose the economic growth models of the developed countries without taking account of the relevant social realities and needs. The purpose of those policies had been to promote investments by developing countries through credits granted by Western banks and thereby speed up economic growth, making it possible to increase output and export the surpluses so as to finance the repayment of the loans. In fact, however, the expected economic growth had not taken place.

114. Not only did the third world countries not have the trade surpluses that would enable them to repay their debts, they were obliged to reduce the population's level of living considerably. Instead of accelerating development, the loans had stifled it and increased the dependence of the developing countries on the industrialized countries and on the world market, which was under the control of the North.

115. In recent years, the flow of capital from the debtor countries to the industrialized countries had been greater than that from the North to the South. Indeed, in 1988, the developing countries had given the North $43 billion more than they had received. The South was therefore assisting the North. Consequently, it was not surprising that people were following the movement of capital, from the South to the North. Instead of investing their export earnings in development, the countries of Latin America and the Caribbean were still devoting 40 per cent of that income to the repayment of their debts. In the case of India and the majority of African countries, the percentage was nearly one third.

116. The structural adjustment policies advocated by the international financial institutions, including IMF and the World Bank, had led to further suffering, particularly for the poorest, the workers and the unemployed. Third world debt was no longer an economic problem; it had become a political one. Instead of threatening the banks, international financial institutions or the world economic system, it was menacing the political and social system of the debtor countries and thus constituted a threat to world peace and co-operation. The impoverishment of the population endangered political democracy and compromised future opportunities for development. Indeed, the very survival of populations was at stake.

117. The World Confederation of Labour therefore called for a cancelling of the unjust debt. A definitive solution to the debt question could be found only through a considerable reduction of the amount owed by all indebted countries and its total write-off for the less developed countries. The Confederation also called for the establishment of an open world economy in which the industrial countries would ensure sustainable growth for all, renounce protectionism and stabilize commodity prices at a more just and equitable level. Furthermore, an effort should be made in all countries to implement the various ILO conventions, so that social development would accompany economic development.

118. To achieve those goals, the World Confederation proposes the following: an international dialogue to seek solutions through political decisions and a shared responsibility between the creditor and debtor countries; the conclusion of specific and practical co-operation agreements between the various international bodies, such as the United Nations, ILO, GATT, IMF and the World Bank; and an increase in official development assistance by the industrialized countries to at least 0.7 per cent of their GNP.

119. Mr. ALDORI (Observer for Iraq), speaking in exercise of the right of reply, said that he wished to refer to the statement by the representative of the International Federation of Human Rights concerning the economic, social and cultural rights of Kurds in Iraq.

120. Iraq respected the cultural rights of Kurds and he had never previously heard any doubts expressed concerning the fact. He was prepared to give the International Federation detailed information in that regard. The Kurdish language was an official language in Iraq and was taught in all Iraqi schools, a fact confirmed in the legislative acts establishing the Kurdish autonomous region. In addition, there was a Kurdish university at Arbil, the capital of the region.

121. The Kurdish people enjoyed full economic and social rights both in law and in practice in the same way as other Iraqis. The autonomous region was currently witnessing a period of unprecedented economic and social progress. His Government was making serious efforts to rebuild the houses and villages destroyed during the recent war. The development process in the autonomous region had, indeed, transformed it into a beehive of activity.

122. The International Federation of Human Rights had merely to look at Iraq's 1990-1991 budget to see the magnitude of the resources allocated to the development of the Kurdish autonomous region.

The meeting rose at 1.05 p.m.